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THE NEW REPUBLIC

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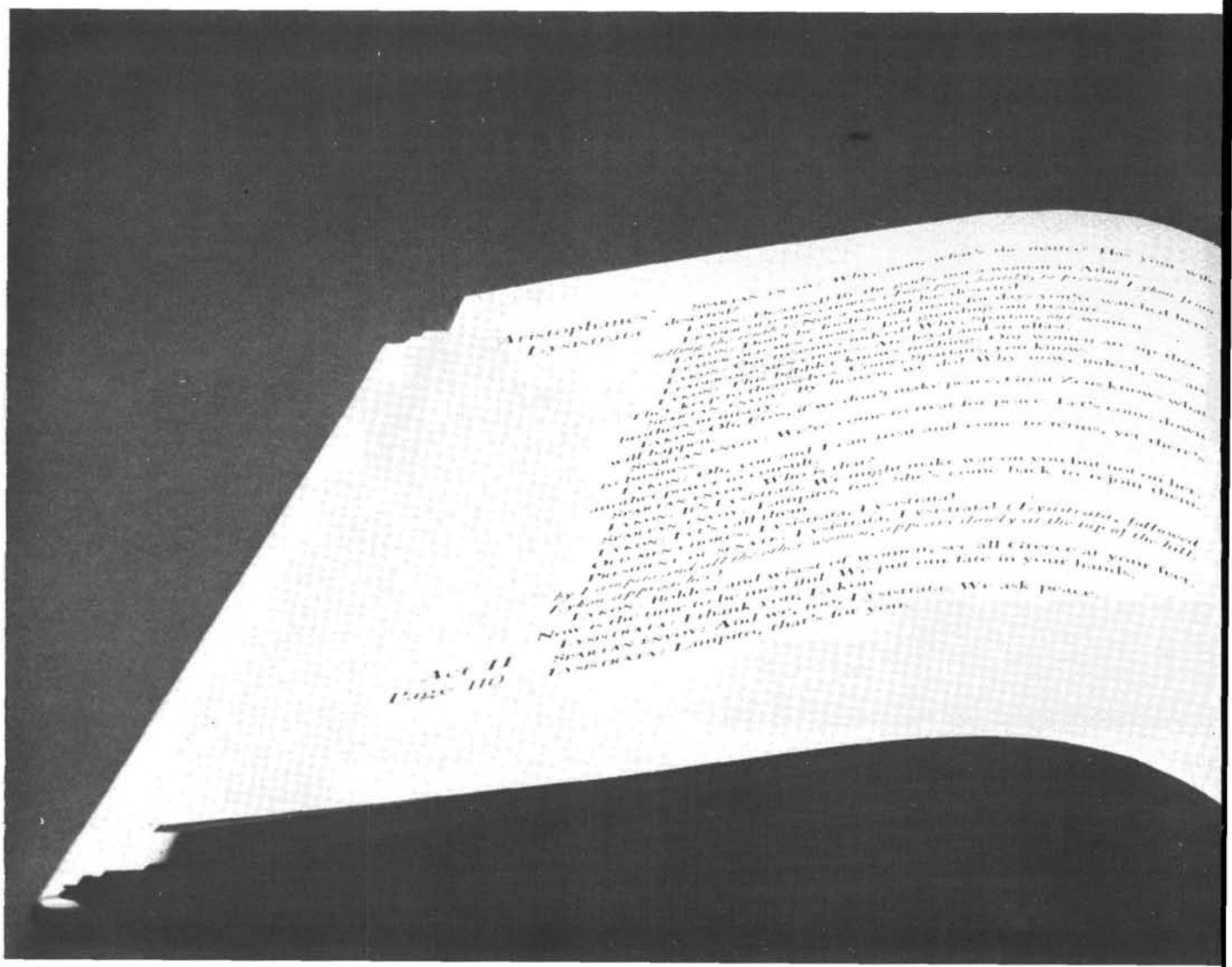

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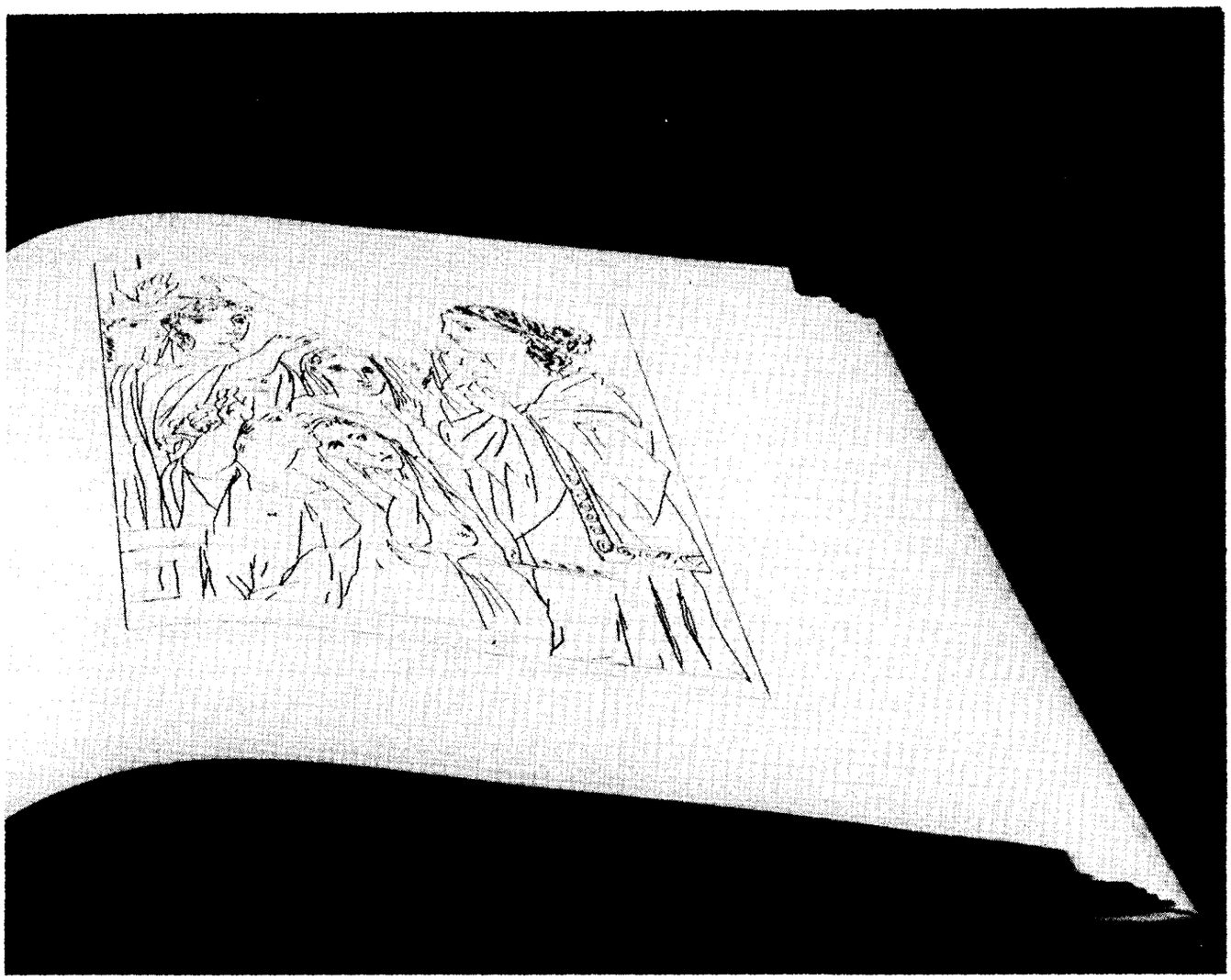

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T.R.B. from Washington

Crime-Buster Dick

★ Four years ago Barry Goldwater told the American Political Science Association that "of all the three branches of government, today's Supreme Court is the least faithful to the constitutional tradition of limited government." In a statement this month, Richard Nixon, the true heir of Goldwater, has again attacked the Supreme Court. Mr. Nixon is now front-runner for the GOP nomination and the campaign looks like a repetition of '64. This time the Republican may win.

You probably have forgotten that the Republican platform of 1964 promised to overturn two Supreme Court decisions by constitutional amendment. Yes, believe it or not (how long ago it seems!) they pledged to get rid of the school prayer and the reapportionment decisions. Barry accused the high court of "raw and naked power."

Now an infinitely more flexible and smarter man has taken up the attack. This time the issue is Crime. It may well be the big issue and elect Nixon.

There has always been a "crime crisis" in America, always primitives who advocate lynching rather than law enforcement. (An interesting example today is the comic strip, "Little Orphan Annie.") In 1920 the head of the Chicago Crime Commission, Edwin Sims, complained of "providing criminals with flowers, libraries, athletics, hot and cold running water, and probation and parole." Now it is lawyer Nixon who denounces coddling the criminal, and attacks the "barbed wire of legalisms" set up by the Supreme Court "to protect a suspect from invasion of his rights" (*i.e.*, the Bill of Rights).

It's a great issue! In the Senate the whole crew of Southern conservatives like Eastland of Mississippi, and including Dirksen and other Republicans, is backing a current crime bill which Professor Alexander Bickel calls an "abomination" (see page 13). Opinion polls show crime is a real gut issue. And what's best about it from the Nixon view is that it's first cousin to the kind of issue on which he built his political career, communism.

Communism and crime. . . . The public hates each; feels itself directly menaced; sees a formless conspiracy by liberals and do-gooders to let criminals escape at the expense of national safety; favors legal and constitutional short-cuts to strike at crime. By defining "crime" a little broadly it embraces everything from rape to civil disorder; it can include city riots, too, and Negroes take the old place of Russians as targets of surveillance and repression. Can Nixon get away with it? If any man can he can.

You and I might have thought poverty caused crime. Its role, however, Nixon says, has been "grossly exaggerated"; it is a "myth." He says that if we had "a quadrupling of the funds" for any governmental "war on poverty" it would do less to eliminate crime than doubling the conviction rate of criminals.

He backs Title III of the crime bill for bugging and eavesdropping; and above all he favors Title II that would overturn the Supreme Court's patient series of decisions outlawing third degree methods of local police. Every legal scholar and law school dean replying to Senator Tydings (D, Md.) condemns Title II. Nixon backs it. He says the high court has been "seriously hamstringing the 'peace' forces in our society and strengthening the 'criminal' forces."

Do you support the Supreme Court's view of things? – be careful. You may find you are tarred with aiding "criminal forces" against the "peace forces." Back in 1946 the word wasn't crime, it was communism. Nixon beat the surprised Jerry Voorhis and Helen Gahagan Douglas on the Red issue. In 1952 he referred to "Adlai the appeaser . . . who got a PhD from Dean Acheson's 'College of Cowardly Communist Containment'." What fun he had! The Democrats were the party of "Korea, controls, communism and corruption." Adlai Stevenson who, as governor, had given a court affidavit on request that when he knew Alger Hiss his reputation was "good" (which it was), was charged with going "down the line for the arch-traitor of his generation."

In the 1954 midterm election Nixon told voters that when Ike entered the White House "we found in the files a blueprint for socializing America." Nixon's press officer said later that the "blueprint" was figurative, "describing the philosophy and proposals of President Truman."

That was a long time ago. In fairness Nixon may have mellowed since. He *looks* mellowed. Young reporters ask old-timers in genuine bewilderment, "Why do you say this guy Nixon is so terrible?" He is benign, whimsical, self-deprecatory. What a letdown he is for those who have always heard that Nixon has "an instinct for the jugular."

A Turn to the Right

★ We have a feeling in our bones that the country is turning to the right. The nation has been confused and frustrated and battered so long it doesn't know what to think. It wants to get back to old verities. The state of Maryland has just overwhelmingly rejected a spanking new, streamlined constitution. Practically every reasonable voice backed it, even the tepid *Baltimore Sun*. But Maryland didn't want change.

According to the Gallup poll Nixon could now defeat any one of the three Democratic liberals – Humphrey, Kennedy or McCarthy. It's instructive to see what he advocates. There's crime, of course. Then you can bet he'll denounce the handling of Vietnam; it will be, "Have these boys died in vain?" On April 20 he called promises of billions to rebuild US cities a "dishonest and a cruel delusion." On April 24 he said a "sound dollar" would "move more men from poverty" than any "war on poverty." For city riots he advocates meeting "force with force." He backed an $8 billion spending cut, but now has joined other GOP conservatives for six. Asked about the Poor People's March last week he said that the present economic crisis rules out any big new grant of funds. That's our thrifty new Nixon! Odds are he'll be the next President.

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THE STAFF

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Circulation Manager – Bertha Lehman
Business Manager – Glenon Matthiesen

New York Advertising Representative – E. Laurence White Jr., Good-Laidley-White 50 East 42nd Street, New York, N.Y. 10017

Office of Literary Editor – 17 Charlton St., New York, N.Y. 10014

Turn to the Right?

T.R.B. feels that "the country is turning to the right." So does Rep. George Hansen (R, Idaho), who has set what may be the tone for congressional races in many parts of the country this fall. Announcing his candidacy against incumbent Sen. Frank Church (D), he needled Church by reminding Idahoans that, in 1960, the senator told the Democratic National Convention there were "switchblades in the street" after eight years of Eisenhower. Then, Congressman Hansen added: "Today, after nearly eight years of Kennedy-Johnson-Church, we now are concerned about tanks, snipers, looters and burners. Hundreds have lost their lives and property damage has run into hundreds of millions of dollars." That message, and the fears it is intended to arouse, is central to a comeback bid that is being made by the "hard right" in a number of US Senate races in the Far West and South. If successful in just a few, the hard right could upset the present precarious liberal coalition in the Senate.

The Church-Hansen race in Idaho points up a major danger this fall to any politics of national renewal: that the appeal of the national Democratic Party will be fashioned to attract too narrow a segment of the population – the black ghettos and labor strongholds of the industrial areas in the East and Midwest. Among the casualties of that too restricted appeal will be senators whose votes will be desperately needed if programs to correct the ills of the ghetto are to be enacted, funded and implemented. It's basically a statistical problem. Twenty-three Democratic Senate seats are on the line this year, compared to 11 Republicans.

The pressure from the "hard right" is not coming only from Republican challenges in the Far West and Southwest. In Alabama, for instance, the Democratic successor to Sen. Lister Hill (D), chairman of the Labor and Education Committee, is certain to be much further to the "right."

Before President Johnson's withdrawal on March 31, attention had been focused on the Senate races of seven "doves," or at least "owls": J. William Fulbright of Arkansas, Wayne Morse of Oregon, Church of Idaho, George McGovern of South Dakota, Joe Clark of Pennsylvania, Gaylord Nelson of Wisconsin and Ernest Gruening of Alaska. Two months ago the anti-Johnson stance of most of these men was serving them well (Clark and Gruening being major exceptions). In Arkansas, ex-Gov. Sid McMath, after campaigning for months as an ex-Marine "hawk," dropped out of the running when polls con-

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sistently showed he couldn't get more than 20 to 23 percent of the vote against Fulbright (polls of his new opponent, segregationist Jim Johnson, show J. J. getting only 19 percent). In South Dakota, Senator McGovern, who has made himself a champion of the family farmer in a state in which anti-Johnson feeling was running high all winter, was polling up to 71 percent against potential GOP opponents, including the sitting governor; by the first of May his percentage had dropped to 59. In Oregon, the latest private polls show Senator Morse pulling ahead of hawkish ex-Rep. Robert Duncan, but barely.

Traditionally, sitting members of Congress from the West and South, particularly Democrats who are more "liberal" on issues than their constituents, revert in campaign years to the "old politics" of telling the folks back home what they've done for them and can do for them in the way of bringing in federal money. But as the 1966 congressional elections showed, the "old politics" hasn't the clout it used to have. Everywhere, the affluent middle-income voter, wanting nothing personally from his congressman (except lower taxes and safety in the streets) is cutting old ties. Increasingly, his political reflexes are determined by TV accounts of rioting in the cities and battlefield deaths in Vietnam. With LBJ out of the running, the major problem facing the Democrats trying to hold down their losses in the Senate, is to reach this middle class, to bridge a wide diversity of constituencies.

Take "the issue" – the urban crisis. Although it is of paramount national importance, it cannot be used in an effective, positive way by more than a handful of Democrats, all from industrial areas of the East and Midwest. In Oklahoma, Sen. Mike Monroney (D) is certain that too much talk about billion dollar programs to rescue the cities would mean his defeat by ex-Gov. Henry Bellmon (R), an early Goldwater supporter. It would also probably mean that ex-Sen. Barry Goldwater (R), already an odds-on favorite to replace the veteran Sen. Carl Hayden (D), a moderate, wouldn't have too much trouble. Florida's Rep. Edward Gurney, with his 100 percent conservative rating, would replace the 50 percent conservative Sen. George Smathers (D) – should the Republicans win in that state.

Given a highly emotional national campaign in which the Democrats led, say, by Robert Kennedy, pitch their appeal to outcasts of the inner city to the exclusion of widespread concerns elsewhere, it is very possible that Church and McGovern would go down to defeat. Both need substantial numbers of GOP crossovers to win.

Would either Vice President Humphrey or Sen. McCarthy do any better in deflecting and defeating a hard right bid? McCarthy's appeal centers in the college educated, from 30 to 49, the people who live in the affluent suburban and semi-suburban settings around the country. True, a third of the nation's vote, the decisive third, now lives in such a setting, and it has been a trouble spot for the Democrats. Any gains there would be very welcome. But McCarthy has not yet aroused the ghetto vote, either black or ethnic white. Nor has he yet persuaded the "pros" in his party that he is a "serious" contender.

Vice President Humphrey is strong with "old line" Democrats, both in organized labor and the business community. His supporters last week were claiming the "very real possibility" of his winning nomination on the first ballot. They make the point that most of the Democratic victories of the last several years (Mayor Jim Tate's reelection in Philadelphia, Gilligan's win over Lausche in Ohio) were manned and financed by just these people. But could Humphrey attract the new generation of voters, those who have flocked to state after state to canvass for Senator McCarthy? The answer is "no."

The "moderate-to-liberal" wing of the Republican Party, which scored important gains in 1966 (Mark Hatfield in Oregon, Charles Percy in Illinois, Edward Brooke in Massachusetts) is also running scared, fearful that a turn to the right may prove as devastating to them as to liberal Democrats. One of their stalwarts – Sen. Thomas Kuchel of California – is threatened by Max Rafferty, a graduate of the Goldwater school. Reports a month before the primary indicate Rafferty is doing "rather well."

Sen. Thruston Morton (R, Ky.) is stepping aside, and a conservative may be nominated in his place.

If Governor Rockefeller were the nominee, which

Joy Ride

"Here we are, just the way we ought to be – the politics of happiness, the politics of joy . . ." – VICE PRESIDENT HUMPHREY, *April 27*

"US jets spread napalm and high-explosive bombs two miles from the center of Saigon tonight . . . 'Things look very good tonight,' an American general said." – *The New York Times*, May 12

"In four and a half months this year, the allies have claimed more than 90,000 enemy dead – more than in all last year." – *The New York Times*, May 12

"The Air Force is preparing to dump 10 million gallons of vegetation-and-crop-killing poison over South Vietnam in the year beginning this July, officials say." – *AP*, May 13.

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seems unlikely, it would be a lot harder for a Hansen in Idaho or a Bellmon in Oklahoma to go the "law and order" route with excess. Rockefeller or Nixon, the bulk of the Republican new faces are nevertheless apt to be conservative.

But the real GOP target this year is not the Senate; it is the House, and the pitch of the hard right might be even more successful here, particularly in the mid-South, if emotionalism reaches a high peak during the campaign. North Carolina provides an example. The GOP has nominated Rep. James Gardner, a young Rocky Mount businessman who defeated Harold Cooley (D) of the House Agriculture Committee two years ago, even though Chairman Cooley was the last full committee chairman that state has. Gardner makes no secret of the fact he feels the GOP must win statewide by taking a big chunk of the traditional Democratic vote in the eastern part of the state, where an appeal for "law and order," no matter how subtly made, will have impact. Several promising "moderates" nominated in newly carved North Carolina districts – State Sen. Volt Gilmour, L. Richardson Pryor and Smith Bagley – could all be swept aside and the GOP could take a large share of the congressional delegation. Representative Gardner will be setting the beat.

Similar fears of hard right wins are expressed in Tennessee and Virginia, in Texas and South Carolina.

The GOP, however, needs 31 new seats to take over the House. A sweep of the South probably wouldn't net more than half that, and the Midwest was cleaned out pretty well two years ago by the conservatives. Thus, the next area of concentration is the northeast, where most of the Democrats elected in 1964 survived in 1966. They are prime targets this fall, and many of them from more suburban districts are in trouble. No appeal centering on the needs of the inner cities is likely to bring a strong response from New York voters in Nassau, Suffolk, Westchester and Rockland counties, for example. True, a new issue-oriented politics, free of the old "machine" ties, is emerging in the suburbs of the Northeast, just as it is elsewhere. But this just makes an emotional "law and order" appeal, with its overtones of repression as the remedy for social ills, more ominous.

The very nature of the presidential contest within the Democratic Party illustrates how badly split the old coalition is. Who can put it back together, or forge a new one based on the realities of 1968? If the Democrats turn up no satisfactory answer to that, it could be a very cold November, with gains by the hard right in both legislative chambers, gains sufficient to deprive any incoming President of support which he will desperately need should he really want to restore the domestic tranquillity.

Czech Balance

Among communists the laying of wreaths on tombs has profound ideological meaning. Thus the Sino-Soviet schism was made manifest when Mao Tse-tung had an emissary in Moscow put a wreath on Stalin's grave. Mao's act made the men in the Kremlin mad, and now they've reacted the same way toward Czechoslovakia. This year is that nation's 50th birthday, and Czech President Ludvik Svoboda placed a wreath on the grave of Thomas Masaryk, the country's non-communist founder and first president. The Russian Communist Party at once denounced Masaryk as a scoundrel and declared that in the early twenties he hired an assassin to murder Lenin. This and other hot Soviet blasts are meant to scare back to orthodoxy the new Czechoslovak communist leader, Alexander Dubcek, who is showing signs of trying to mold communist Czechoslovakia into something closer to parliamentary democracy.

Reminded by the Russians of the fate of Imre Nagy, the Hungarian leader Khrushchev slew for being too independent, Dubcek bravely replied that this is 1968 not 1956. He's right to think Moscow doesn't want to estrange the West, including Western communist parties, which Soviet military intervention in Czecho-

"Our Czechs have bounced."

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slovakia would certainly do. But Dubcek probably is wise not to press his luck too hard. Non-communist parties are at present tolerated in Czechoslovakia so long as they do as the communist-dominated "National Front" bids, but appearance of a genuine non-communist political opposition might have the same effect on the Kremlin as the claimed presence of communists in the Dominican Republic had on the White House. Right-wing communists whom Dubcek pushed from power are still around in Prague, and an appeal by them for succor might bring in Russian troops yet. Were that to happen it would pose a problem for this country and its NATO allies, who presumably when the chips were down would do no more for the Czechoslovaks than they did for either the Hungarians or the Israelis, but would feel bad about it.

The man who thus far has got the most mileage from a tricky situation is General de Gaulle. Precisely because his avowed intent is to get the Americans out of Europe, he can preach the virtues of a continent of free and independent nations, without really getting in Moscow's hair. Last week he hadn't got around to delivering his sermon in Prague, but he preached it in Bucharest, another communist capital that openly resists Soviet hegemony and until now has done so unchecked by Moscow. De Gaulle in Rumania was careful to praise Russia as one of the "pillars" of present-day Europe. He doesn't mind doing that so long as it's understood that the other pillar is France. Rumania and Poland, which de Gaulle has also visited, have traditional and historic ties with France. The Rumanian and Polish communist leaders, however, aren't especially pro-French, nor do they particularly share de Gaulle's anti-Americanism. They want American know-how, but they're nervous about Russia, and anyway the US Congress grudges giving it to them. Their way out is France, their door to US technology, symbolized by de Gaulle driving through Bucharest in a Cadillac with the maker's name removed. The Czechoslovaks could use $20 million of Czech gold this country has withheld since 1945. In present circumstances its return should have no strings attached.

Four to Go

Nebraska gave Senator Kennedy the win he badly needed – with fifty *one* percent of the Democratic primary vote. Senator McCarthy's 31 percent was short by four percentage points of the best that realists among his supporters hoped for. The surprise worth pondering was the pathetic showing of Johnson-Humphrey, with the President on the ballot because he withdrew too late for his name to be removed and with the Vice President's supporters working harder than they admitted for write-ins. Voting the Johnson line was supposed to be an easy way to signify a preference for Humphrey, and the combined 15 percent cast for the two of them together was a shocker that will be noted by delegates up for grabs in Nebraska and elsewhere. The count of votes for 28 elected convention delegates may not be completed for a fortnight or more. McCarthy ran full statewide and district lists, and the quirks of the Nebraska system are such that he could emerge with 10 or more convention votes to be added to the 200-plus already safe for him. However he fares in his four remaining primaries – Oregon and Florida on May 28, South Dakota and the big one in California on June 4 – he will be a figure at the Democratic convention and he may be a decisive figure. He will not "control" the delegates committed to him in the orthodox sense, but they will listen to him and it looks more and more as if neither Kennedy nor Humphrey can be nominated without those votes. Not that we write off McCarthy. He has solid indications of support and a good state organization going for him in Oregon – and watch Florida, with its 61 elected delegates and 63 convention votes. The McCarthy slate there is probably the strongest in terms of the people on it that he has fielded anywhere. Plenty of Florida money is financing his effort. His candidates should give the favorite-son (really Humphrey) slate headed by Senator George Smathers and a third independent slate a close run.

The impressive scope of Kennedy's Nebraska win – among whites and Negroes, urban and rural – is not to be overlooked. But it would be equally foolish to overlook the indications – as the Kennedy PR men would have us do – that the votes which gave him his first majority in this campaign were taken mostly from Hubert Humphrey rather than from McCarthy.

Gilligan's the Name

More needs to be said about the remarkable John J. Gilligan, who a few months ago was quoting polls that showed he would get scarcely seven percent of the vote in his bid to unseat Senator Frank J. Lausche in the Ohio Democratic primary. "That many people would vote for Joe Palooka," he said as he stepped into the race. It ended with the 47-year-old Gilligan rolling up a 125,613 majority over the man Ohians affectionately called "Fearless Frank."

Lausche, a five-term governor seeking his third term in the Senate, had personified old-fashioned, rock 'em, sock 'em conservatism. He comforted the taxpayer, the communist-fearing, the uneasy ethnic urbanite whose neighborhood fringed the ghetto. He was their everlasting watchdog in Washington.

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But after years of party frustration and disunity, a new crop of Democratic leaders at state headquarters in Columbus decided they had had enough. A firm alliance between the party and the Ohio AFL-CIO was formed, and the party took the unprecedented step of passing up Lausche in favor of endorsing Gilligan.

Lausche responded with tears and rage. He repeatedly blasted "that gang" and "those bosses" and said he would carry his fight to the people who, after all, were his real friends. But he didn't. He ambled from Lions to Rotarians to Kiwanians around the state where he was greeted by his pals of the '40s and '50s.

Gilligan, on the other hand, took his fight to the big industrial centers. He traveled the streets of his home town, Cincinnati, during the recent riots and he condemned the assembly line "justice" meted out by the Cincinnati courts, which conducted 45-second hearings for accused curfew violators, all of whom got the maximum punishment of one year in jail and $500 fine. "He really killed himself in Cincinnati," said former State Senator Harry McIlwain, a Lausche man. "He shouldn't have said those things."

However, Gilligan not only carried his home district, but every other major urban center in the state except Columbus, whose political spectrum begins on the left with moderate Republicanism, and moves rightward to absolute darkness. While he stayed neutral on the presidential candidates, Gilligan argued that Congress must develop new foreign and domestic policies relevant to "today's realities." He brashly took his civil rights message to union meetings and he told the people that the preservation of democracy is going to be mighty expensive.

He didn't do it all by himself. The state AFL-CIO sorted out the voters with computers and flooded the unionists with reminders of Lausche's anti-labor votes. Gilligan also came across big with an impressive television campaign made up of half-hour documentaries on his life – Silver Star winner, Notre Dame scholar, Xavier University English professor, a man immersed in the urban crisis. Somehow, people got the message that there was a generation gap hereabouts. Gilligan won without the support of any major Ohio paper.

Gilligan will face Attorney General William Saxbe, a political moderate, in the general election. There's talk of masses of dissident Democrats sweeping over to the already bulging Republican ranks next November. However, Gilligan's historic upset of Lausche has swelled the confidence of the new Democrat-Labor alliance. Frank King, Ohio AFL-CIO president and State Senate minority leader summed it up: "The liberals and the labor guys were getting beat so often in Ohio they just got sick of it. We knew this was the acid test. We were either in or out." For the moment, at least, they are way in.

Reagan's Even-Handedness

Ronald Reagan's administration "makes no bones about being business-oriented." At the same time, the regime is consecrated to the greater glory of the "people of California." How the Governor effects a reconciliation of these two interests is illustrated by his novel theory of utilities regulation: "Obviously, the Utilities Commission is supposed to represent *all* of the people of California, which would include the utilities as well as the customers. . . ."

Reagan has scrupulously applied this principle in his two appointments to the five-man Public Utilities Commission. Representing the consumer masses is William E. Symons, an erstwhile rancher and cattle shipper and former Republican state senator. Representing the utilities is Fred P. Morrissey, once a business administration dean at the University of California and a former consultant to the telephone company, who was on record before appointment as favoring rate increases. Morrissey was chosen by attested democratic processes. In December 1966 after the gubernatorial election, the executives of the California utilities assembled at the Bohemian Club in San Francisco. Sherman Chickering, vice president of San Diego Gas & Electric Company, later indiscreetly related: "I had read several of his articles about utilities and I knew what his [Morrissey's] views were. He was objective in his thinking. If somebody else hadn't put his name up, I might have done so myself."

Since these appointments, the Public Utilities Commission has dispensed with the old-fashioned rationale of consumer-oriented regulation, which was why it was established in 1911 by Gov. Hiram Johnson. Early this year, Pacific Gas and Electric exceeded its allowed profit rate by half of one percent, worth $38-million to the company. The commission sympathized with the company's explanation that an "extraordinarily wet year" had produced unexpected cost reductions in the generation of hydroelectric power. More to the point was the change in the regulatory climate. The commission staff and a majority of the commissioners simply granted the company compensation for the tight money markets without holding a hearing.

Utilities executives financed their share of Reagan's gubernatorial victory in 1966. Philip Battaglia, former executive assistant to Reagan, told a *Bay Guardian* reporter this spring: "We had certainly heard a lot of complaints during the campaign that the PUC needed a balance. If the thinking was oriented one way, it should be balanced out with some fresh thinking." Chief among these complaints was without question the commission's order to Pacific Telephone and Telegraph to reduce rates by cumulative value of $40 million in 1965. In the fall of 1966, PT&T, an AT&T

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subsidiary, recouped some of the loss with a rate increase worth $6 million. But after Reagan was elected and had made his appointments four months later, the company filed for an increase worth $181 million, the largest in the history of state or federal regulation.

The first-ranking taxpayer in the union's largest state, PT&T has argued that it requires a rate increase to finance expansion and modernization. The commission staff conceded a part of this argument by recommending a rate increase worth $57 million. But PT&T wants the whole loaf and the more than 40 percent increase in profits – $88 million – which go with it. During the hearings which ended last January, company lobbyists freely navigated the halls of the commission offices. Under questioning by William Bennett, a consumers' commissioner, Symons and Peter E. Mitchell, a Pat Brown appointee with excellent prospects of reappointment by Reagan, admitted to *ex parte* (one party) contacts with telephone company executives. Symons and Mitchell maintained that these contacts concerned purely "procedural" matters.

While the hearings were in progress last year, Reagan made it clear that the "PUC is going to have to be more realistic in its approach and its permissions to the phone company." Meantime, Battaglia told a convention that the utilities were due for "fairer treatment" and Reagan's lieutenant governor, Robert H. Finch, expounded the theory that "they can't compartmentalize investors and consumers" because the two are in some cases identical. In connection with a case concerning the Southern Pacific Railroad, Symons admitted during a commission conference to phone contact with Reagan's office.

As the hearings progressed, the antagonism between Bennett, who calls Symons, Mitchell, and Morrissey the "Bell boys," and the commission majority, who don't call Bennett at all if they can help it, intensified beyond any limit of official *politesse*. In answer to a pointed question by Symons, Adrien Cassidy, PT&T vice president, claimed that Bennett had actually asked him for a $50,000-a-year job shortly after Reagan's election. Under cross-questioning by Bennett, Cassidy maintained that Bennett asked for the job immediately *after* refusing to issue an *ex parte* order for the $6 million rate increase:

Bennett: And then did I meet with you about the job . . . after I told you to go to Hell on your $6 million rate case, that's chronologically correct?

Cassidy: Certainly.

Bennett: Certainly must be a poor applicant for a job to go about it that way.

The PUC has not yet ruled on the PT&T case, but noting the "improvement in climate" General Telephone has filed for a rate increase worth $50 million. Soon it may be standing room only in the PUC offices.

Sit Down!

Years ago, Harry Golden discovered that segregation in the South was "horizontal." Vertically, the South was integrated: the black people could stand at a dime store lunch counter to eat a hot dog, but couldn't sit. In remote communities of the Midwest and West, where fewer black faces are seen, the opposite attitude is visible: it's okay to do it sitting down but don't stand up; and, in any event, don't walk. Two examples, both outgrowths of the assassination of Dr. Martin Luther King Jr., come to mind.

In Grand Island, Neb. (pop. 30,000; 86 Negroes) a small group, led by a local minister, responded to the Rev. Ralph Abernathy's suggestion that marches be held in the memory of Dr. King on Palm Sunday. When that news broke, the city's country-club elite panicked, imagining some kind of Palm Sunday riot, complete with snipers and firebombs on main street. But a march permit had already been granted by the police chief, who wasn't concerned until the merchants let him know he should be. To counter the march, the Ministerial Association decided to organize an indoor memorial service (horizontal, you see).

Well, the march was held. Its very size (80 to 100 persons, mostly white) and the on- and off-duty police that lined the streets to protect the city from this dangerous element bear witness to the isolation of a progressive spirit in a business-oriented small town in the Midwest.

There were no incidents, not until the march ended. Then, one of the participating ministers was advised to seek another pulpit, inasmuch as several faithful contributors of sizable amounts of money sent word they wouldn't give another dime as long as any of it went toward his salary. Two other ministers who marched were severely criticized by members of their congregations. The city attorney, who didn't help plan the march but was in it, was censured by the city manager and some other city officials (the city attorney was the only person in city government to march, and then not as an official representative). Meanwhile, the townspeople, as contrasted to the "leaders," remained detached and unconcerned.

In Boise, Ida., the NAACP organized a rally after Dr. King's assassination to protest racial injustice. Immediately, word spread that "outside agitators" were working in the city. But, as Don Watkins wrote in the *Intermountain Observer:* "Contrary to the dozens of wild rumors floating round about organized outside agitators moving in on Boise, there was barely enough organization by the locals even to bring the rally off." It was held on the Capitol steps, and Watkins observed: "There's little doubt the Capitol steps demonstration had to be the most well-policed event of all

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time. In addition to dozens of uniformed and plainclothed police in and around the Capitol, the entire Idaho State Department of Law Enforcement and units of the National Guard had been alerted."

He quotes one participant as saying, "Man, I never felt so safe in all my life."

So much for the reaction of the "leaders" to the first faint stirrings of those isolated black people living in the small towns. But it shouldn't come as a surprise. The "leaders" in many such communities had already let it be known just how they felt about the depressed, when the anti-poverty bill was passed a few years ago.

Take Marshalltown, Ia. There, the business and professional community adopted its own form of "participatory democracy" to shout down any anti-poverty program in that city in the early years. A mass meeting was held. By the dozens, the professional, managerial and business community turned out to explain to each other why Marshalltown didn't have or need any poverty program. In a town of 22,000 in the Midwest, poor people don't stand up, in public, to their "leaders" to say they do need it. So, Marshalltown, at a mass meeting, voted it down.

The attitude there was best exemplified by a slogan carried in a mimeographed issue of the *Teenage Republican* publication in 1966. It read: "In addition to the Golden Rule, there's the Iron Rule. Never do for another what he can do for himself."

And, by way of postscript, SIT DOWN.

Tax Haggle

The lack of sensible national priorities is illustrated by the haggling over spending cuts to accompany the proposed 10 percent federal tax surcharge. Mr. Johnson suggested austerity, but $4 billion in cuts is as far as he feels prepared to go to get a tax bill – not $6 billion, the Wilbur Mills figure. But the President has not made it clear why one figure is possible (although painful) while the other is out of the question. Nor has it been determined where the cuts will come. Alan Boyd, the Secretary of Transportation, has been going around the country predicting they will come from such programs as federal highway construction. They will certainly also come out of already, impoverished programs for the poor and the cities. Whatever happens, the $30 billion for Vietnam is safe.

Mr. Johnson could, of course, veto a bill that would require him to slash domestic programs to ribbons. Indeed some economists are no longer convinced the surcharge is essential. *The Washington Post*, arguing for the tax increase, said the most that could be hoped for is not a quick end to inflation, not a decline in interest rates, but rather placing "federal finances on a more orderly basis by making the public fully aware of the costs of government services. . . ." A rather abstruse objective.

Student Power

Campus demonstrators, whether in New York or Paris, no longer sit in the college president's outer office; they are behind his desk, smoking his cigars. The sit-in has given way to the take-over. At Columbia University there was provocation for the occupation – an aloof, dilatory administration, too insensitive to the needs of Negroes (and others) on or off campus. The same can be said of Howard University. There cannot be many colleges or universities among the 2,168 in this country (or those in France, Poland, Germany) which are not by now drawing up contingency plans for similar take-overs. Administrators are learning, and the wiser of them are learning something about not only riot control, but riot prevention.

The list of schools which have faced partial occupation or sit-ins in recent days includes Ohio State, the University of Michigan, the University of Miami, Northwestern, Long Island University, Cornell, Trinity (Hartford), the University of Denver, Stanford, Roosevelt University, and the University of Texas. Issues range from the frivolous (a demand for a bust of Geronimo in the NYU Hall of Fame of Great Americans) to the significant (academic defense contracts). The majority of the confrontations have involved race. Trinity College students extracted the promise of more scholarships for blacks. New York City Community College will henceforth offer courses in Negro history and will hire more Negro professors. Wellesley College promised to admit an additional 20 Negro freshmen this fall. Northwestern agreed to admit more Negro students and, at their request, to provide segregated housing for campus blacks. (It is hard to see how this could escape being a violation of Title VI of the Civil Rights Act of 1964.) Robert F. Goheen, president of Princeton, is considering demands for more student power in administrative decision making. Regents of the University of Michigan established a Martin Luther King Jr. scholarship fund. Duke raised the pay of its nonacademic (*i.e.* Negro) employees. In each instance, something good has been accomplished, however painfully. But that the concessions were won in the ways they were suggests how complacent and inflexible the collegiate administrative machinery can be. The University of Denver is a case in point.

A private institution with a Methodist background, DU sometimes fancies itself the Harvard of the West. Denver's new chancellor is Maurice Mitchell, former

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president of *Encyclopedia Britannica*. He brought Denver the hope of larger funds and aggressive leadership. DU is in the midst of a building program; its enrollment is growing, as is the socioeconomic level of its students (average parental salary $25,000), who traditionally have been either locals, Eastern kids with a penchant for skiing, or students with marks too low for some other Harvard.

Isolated near the Colorado Rockies, DU nevertheless was not immune. Several days after the Columbia occupation, 39 Denver students set themselves up in the registrar's office and refused to budge. Their complaint was not napalm or defense contracts or Negro enrollment; it was a specific refusal by the university's board of trustees to allow graduate students a vote or representation in campus elections.

Mitchell got his back up. Either the 39 students vacate the building or he would (1) expel – not suspend – them, and (2) call the police and have them arrested for trespassing – trespassing, since they would then no longer be students. The students too stood firm. There is remote chance their mass dismissal from the university will be rescinded on appeal. The university will simply have demonstrated again the limitations of logic and law as tools to conciliate the justifiably angry. "I realize the need for fuller involvement of students in decision making," said Mitchell. But he will do it in his way, in his time. Meanwhile, the university "isn't going to be run by force, threats or intimidation." Nor by the deaf and dumb.

First Poor People's March on Washington

Seventy-four years ago this month, "General" Jacob Coxey, leader of the first Poor People's Campaign, marched into Washington with his Army of the Unemployed. Tension had been rising in the city; newspapers advocated "strict and stern repression" by armed forces to protect the President, Congress and the public buildings. Some wealthy persons had fled with their families to the suburbs. President Cleveland was warned by the Attorney General, Richard Olney, that 60,000 or 70,000 desperate men were coming to spread an insurrection.

Coxey, an enthusiastic, eccentric reformer, had set out in the rain from Massillon, Ohio, with a mere score of followers, half of whom were newspaper reporters, on Easter Sunday, 1894. His plan was to recruit as he went along, to join forces with other protesters who were said to be rising in every section of the country, and to stage a peaceful demonstration on Capitol Hill. The sight of so many ragged men would, they hoped, move a Congress that had long been unresponsive to the needs of the jobless poor, then numbering from two to three million.

Eugene V. Debs described the cross-country pilgrimage in expressive terms: "They walk, they ride, they float; the storms beat upon them, their tents, their skins; their couch the mother earth, their pillows stones. Some fall by the way and are buried by their comrades, unknelled and unsung, to sleep their last sleep in unknown and forgotten graves. But the survivors press forward . . . they come and tramp to the muffled drum – funeral march of their throbbing hearts. The cry is, 'On to Washington,' where, on the marble steps of the nation's Capitol, in their rags, and barefooted, they would petition Congress to relieve some of the horrors of hunger and nakedness. . . ."

As Coxey's "petition in boots" was making its way east, other "industrial armies" were being organized, the largest led by Charles Kelly from San Francisco. By April, Kelly's forces numbered about 1,500, three times as many as Coxey's. One who came along for adventure was Jack London, then eighteen years old. He found the blisters of the march too painful and deserted Kelly in Missouri.

On March 19, six days before that Easter Sunday, Senator Peffer, a Populist from Kansas, introduced the Good Roads Bill, originally formulated by Coxey himself. This was the bill that the protest marchers hoped to hasten through Congress. It advocated the issuance by the national government of $500 million in legal tender notes to be expended for the employment of citizens on a nationwide road-building program. It was a popular cause among liberal magazines: "Millions for armories and the military instruction of the young," complained the editor of *The Arena*, "but not one cent to furnish employment. . . ."

Coxey had sent advance word to the police authorities that his men proposed to parade peacefully before the Capitol while a committee presented their petition to Congress for the Good Roads Bill. But the police (ready and armed to the teeth) refused him permission to appear before the Capitol. Nevertheless, Coxey's tattered band, which had now grown to 500, proceeded down Pennsylvania Avenue to the skirl of bagpipes. It was noticeable that the crowd of 15,000 to 20,000 people who lined their route showed great friendliness for them. At the Capitol grounds, a dense throng was gathered to watch the ceremonies and listen to a prepared speech by Coxey, which he never gave. A

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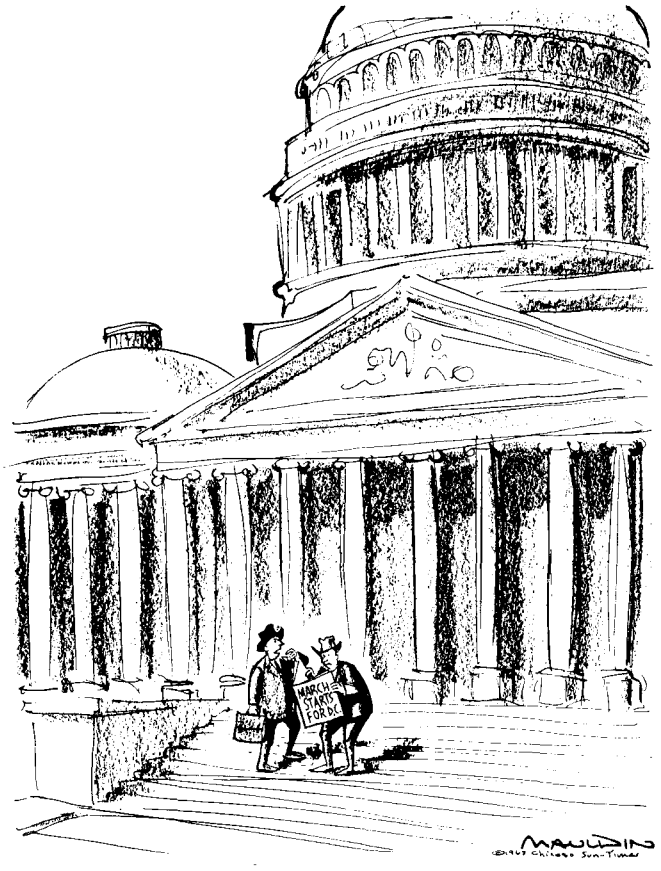
solid phalanx of police, almost outnumbering the demonstrators, barred the way and ordered Coxey to halt. He lifted his hat to the police commander and declared that he "protested the order." Then as Coxey hurried forward, walking alone across the vast square toward the Capitol, mounted police galloped after him. After being roughed up, Coxey and two other leaders, Carl Brown and Christopher Columbus Jones were arrested. The crowd cheered Coxey and his men. The mounted police, seeming to lose their heads completely, charged and swung their clubs until 50 or more of the crowd and marchers had been beaten and trampled upon.

Coxey was brought into court for violating the peace; he had unlawfully entered upon the grounds of the Capitol and "did then and there step upon certain growing plants, shrubs and turf. . . ."

Coxey had no chance to deliver his "Address of Protest." It has a remarkably contemporary ring: "We have come here through toil and weary marches, through storms and tempests, over mountains, and amid the trials of poverty and distress, to lay our grievances at the doors of our national legislature and ask them in the name of Him whose banner we bear, in the name of Him who pleads for the poor and oppressed, that they should heed the voice of despair and distress that is now coming up from every section of our country."



"Who'd have ever guessed poverty would declare war on us?"

Later in the month there arrived in Washington other "armies," including Kelly's, by that time only 100 strong. The commissioners of the District of Columbia sent most of the recruits home. Stragglers in Virginia and Maryland were rounded up and either driven across state boundaries or sent to workhouses. Coxey's Good Roads Bill came to nothing.

Kit Hadsel

The Senate Judiciary's Abominable Crime Bill

The Senate is now debating, and will apparently continue for some days to debate, an Omnibus Crime Control and Safe Streets bill, about which very little has been said in the daily press. In the minimal degree in which it derives from an earlier Administration submission, the bill has some important and creative provisions. But it has been so mangled by the Senate Judiciary Committee as to be an abomination.

Following the Administration's original idea, Title I of the bill makes available grants-in-aid to urban and state law enforcement agencies to improve and strengthen police work. As it emerged from the Senate Judiciary Committee, however, this title places entirely too much emphasis on riots, giving priority to grants for the organization of "special law enforcement units, and law enforcement reserve units" dedicated to riot control, and for the acquisition of "riot control equipment," which for all we know may include tanks and the like. It is out of proportion to give this sort of support and encouragement to riot control arrangements here, considering the resources, and the attention and energy, that the federal government devotes to the problem of riots through the National Guard and the use of regular federal troops. And with all this emphasis on riots, there is not a word in the Senate bill, as there is in a House bill that is much closer to the original Administration scheme, about "increasing the capability and fairness of law enforcement and criminal justice," or about "community relations." (Senator Percy of Illinois has introduced an amendment to encourage and finance recruitment of Community Service Officers.)

An even graver flaw in Title I, as the Senate Judiciary Committee has written it, is that it effectively exempts the grant-in-aid programs which it initiates from the application of Title VI of the Civil Rights Act of 1964. Title VI requires the federal government

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to ensure that all state or local programs and institutions receiving federal money are free of any taint of racial discrimination. Thus, in pursuance of Title VI, the federal government has been insisting – not as effectively as it might, but insisting – on the desegregation of public schools and hospitals which receive federal grants. There is no earthly reason why a federal program giving money to police departments should be any less the vehicle for federal pressure toward desegregation. Indeed, there is every special reason to the contrary. Many police departments, especially in the South, remain lily-white. One of the objectives of Martin Luther King's campaign in Birmingham five years ago was the employment of Negroes on the Birmingham police force. Negro police are a link with the community, and their presence is in itself a kind of law enforcement and crime prevention measure.

To be sure, Section 518(b), which accomplishes the exemption from Title VI, speaks in genteel language. It says police departments may not be forced to adopt a quota system in order to achieve racial balance. And it forbids the federal government to require a police department to "eliminate racial imbalance." This means that police departments *may* be required to adopt paper policies of nondiscrimination, but as the administration of Title VI has amply demonstrated, only if the federal government is allowed to demand some tangible evidence of nondiscrimination – the actual presence of Negroes on a previously all-white police force – can the paper policy be turned into a reality. Of course, the elimination of racial imbalance is a different and more advanced objective than the elimination of racial discrimination. The point, however, is that without some power to ensure that Negroes are hired, which is to say some power to require the elimination of racial imbalance, there can be no effective enforcement of a policy of nondiscrimination, which, in turn, must then be a sham.

Senator Brooke of Massachusetts has filed an amendment to eliminate the offending Section 518(b). It would be necessary also to amend a preceding section (509), which says that a grant may be denied or revoked in case of violation of provisions of the bill or of regulations enacted pursuant to it. It ought to be made clear in this section that grants will be denied or revoked in case of violation of other provisions of law as well, namely, Title VI of the '64 Civil Rights Act.

Title II, which is entirely the product of the Senate Judiciary Committee and is reminiscent of the Jenner-Butler court-curbing bills of a decade ago, attempts to overrule Supreme Court decisions, such as the recent *Miranda* case, dealing with the admissibility in evidence of confessions, and with the right of a prisoner to have counsel available to him at various stages of a criminal investigation, including at a line-up for identification. Title II would also overrule the famous *Mallory* case, under which District of Columbia police are forbidden to detain suspects without prompt arraignment before a magistrate. In addition, and most radically, Title II would deprive the Supreme Court and all federal courts of jurisdiction to review decisions by state courts admitting a confession in evidence, or admitting in evidence eyewitness identification, no matter how obtained; and it also, in one fell swoop, attempts to suspend the writ of habeus corpus for persons convicted of a criminal offense in state courts. Review of a claim of deprivation of a federal constitutional right would be had, if at all, only in the Supreme Court, which can, of course, hear only very few such cases at any given term. These provisions are born of the utterly misguided notion that court procedures somehow create crime, or are, at any rate, able to control it – a notion that no amount of learned analysis or empirical proof will apparently dispel. The provisions are brutally and indiscriminately vindictive in intent, and would mark a tragic regression in the administration of justice in the United States. The only consolation, a poor one, is that they range from the probably to the palpably unconstitutional.

The bill includes also all-too-permissive wire-tapping and all-too-loose firearms control provisions.

The House has passed a bill, analogous to Title I of the Senate bill, which is free of most of the undesirable features of the Senate's Title I, and it is happily free also of all the other Senate titles. This is the bill the Senate should be acting on, but the Senate Judiciary Committee shunted it aside in favor of its own hydra-headed monster. Ideally the Senate should now vote down its reactionary Judiciary Committee, and get to work on the House bill. So clean-cut a result may, however, not be possible, and what may come forth from the Senate instead is a heavily amended House bill, bearing many of the Senate Judiciary Committee's abominations. If it takes this route, the bill will reach the decisive stage in a conference committee, which then may present both Houses with

COMING: *Robert H. Bork tells why he favors Richard Nixon for President*

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a virtual – and unpredictable – *fait accompli*. It is possible also that the Senate will pass its Judiciary Committee's bill modified by a few floor amendments, and send it on to the House. In that event the chances are strong that the House will take the Senate bill as it stands.

Alexander M. Bickel

Sick Man of Europe

The Polish Purge

Warsaw

The big purge in Poland is a mixture of the Nazis' "Night of the Long Knife" (directed against anybody whose grandmother might not have been pure "Aryan") and one of those factional, personal struggles typical of decaying totalitarian regimes.

A prologue to what is now taking place occurred early in 1956 following Khrushchev's denunciation of Stalin's crimes, when, with the active support of Moscow, a Polish arch-Stalinist came forward with the idea of pinning responsibility on Jews in the communist leadership for all the Warsaw regime's failures. The gambit failed, because the majority in the Polish Communist Politburo and of other centers of the ruling establishment (in which there were many Jews but many non-Jewish leaders also) revolted against it, choosing liberalization instead. What followed were the famous Poznan riots, the return to power of Gomulka, the ouster of the arch-Stalinists, the short-lived Spring in October (1956). The arch-Stalinists, called at that time the "Natolin group," left the stage. (One of them, Casimir Mijal, fled to Albania, where he broadcast attacks on Gomulka, accusing him of having established a "Zionist dictatorship" to exploit Polish workers and persecute true communists.)

The idea of a Jew-ridden Polish communist apparatus was soon taken over by the "Partisans," initially a group of secret police officials, many of them veterans of the Spanish Civil War and functionaries of the Polish Communist Party in France. During World War II, the Partisans had fought in the small Polish communist underground. Though anti-Nazi, most of them were violently anti-Jewish. Shortly after the war, the Partisans rose to important positions in Poland, but their influence subsequently declined. (Especially after his break with Tito, Stalin distrusted anyone who had not spent the war years in Russia.) Many Partisan leaders lost their jobs; some went to prison. One of the latter was General Gregory Korczynski, who as head of an underground unit in the Lublin forest had ordered the shooting of Jewish fighters, who had paid him for arms which Korczynski never delivered.

In 1957, however, the Partisans started showing up again in government posts. The outlook for communism was grim, they warned; unless the regime were strengthened and reformed, they said, a popular revolt was unavoidable. General Moczar, who emerged in the early 60's as the Partisans' leader and who became the Minister of Interior, went to work building a new secret police network. (The Stalinist network had been completely demoralized.) Moczar organized a Workers Militia, which has played a key role in the suppression of the recent Warsaw student riots. Above all, by taking what seemed to be an anti-Russian line, he appealed to the patriotic and chauvinistic elements in Poland (though in fact he kept in close touch with the Soviet secret services). Gomulka and the small circle he trusts were nervously aware of Moczar's ambition for supreme power. Yet the general seemed to them the only man who knew how to keep order. And although Gomulka did not share Moczar's anti-Jewish prejudices – not at least in the beginning – he had the same animosity and contempt for communists who returned to Poland from Russia, and for the ex-Stalinists turned liberals. For that reason Moczar's systematic elimination of the Old Guard and their replacement by Partisans continued almost unhindered.

And yet it must be said that Moczar's successes were limited. The Old Guard still dominated the Central Committee and the Politburo. The Partisans had only one man in the latter, Roman Strzelecki, a mystery man reputed to have been commander of a pro-communist peasant resistance unit in the Lublin forests during the war. Strzelecki, who according to some accounts has strong personal ties with Gomulka (he reputedly protected Gomulka's only son during the dangerous war years), is described as both a simpleton and a shrewd operator.

Despite many attempts, Moczar was not, until recently, admitted to the Politburo. The largest concession the Partisans had been able to wrest from Gomulka was Moczar's admission to the party secretariat, along with his friend, General Korczynski. The latter is important. He has been working assiduously to extend Partisan control over the Polish Army, on the theory – probably correct – that this would make the Partisans final masters of the country. As head of military intelligence, Korczynski had come within inches of getting what he wanted. But leadership of the Army was denied him; he was instead made a deputy minister of defense. His intellectual incapacities and lack of proper schooling precluded his leading a modern army, armed with highly sophisticated Soviet weapons.

Badly in need of allies in the top echelons of the

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ruling apparatus, Strzelecki and Moczar then made a deal with a most influential member of the Politburo, Edmond Gerek, a former coal miner who had emigrated to France and became, on his return, the boss of Upper Silesia. Few in Poland have known where Gerek really stands. The Partisans did not consider him their own, nor did the former Stalinists turned "liberal." But the Partisans knew they needed a popular leader. Moczar, who made his career in the secret police, could never dream of becoming a hero. Gerek, on the other hand, had a "good image" as a man who knew how to make people reasonably satisfied. And so Strzelecki, Gerek and Moczar teamed up, turning with vigor against the majority of the Politburo. They prudently defended Gomulka against the Stalinists, the revisionists, the corrupt, the inefficient, meanwhile suggesting discreetly that most of these folks were Jews, or linked to Jews.

The major concessions to the Partisans came after the Israeli-Arab "six-day war" in June 1967, which aroused in Poland a quite irrational outburst of popular support for Israel, feelings which stemmed more from *Shadenfreude* over the unprecedented defeat of the policy of the Soviets and their close associates, the rulers of Warsaw, than from any warm feelings of Poles toward Israel. When reports of rejoicing over the Israeli victory reached Gomulka, he became furious. The Partisans saw their chance. They took the line that all those rejoicing were "Zionists." (In reality, most of the Jews in high positions had a long and "clean" record of hostility toward Israel, and in most cases remained silent during and after the six-day war.) Many Jews were purged and replaced with Partisan allies. The student and writers' revolt of last March again played into Partisan hands. Gomulka's fear that the collapse of communism in Poland might be near, pushed him further in league with the Partisans. At about this time, Edouard Ochab resigned as head of state, not only because his sight was worsening, but because he wanted no part in the transformation of the regime into a racist-communist dictatorship. The first thought of Strzelecki, Gerek and Moczar was to give Premier Cyrankiewicz this purely honorary post, thus permitting Gerek to become Premier and number-two man of the regime, ready to take over as soon as Gomulka could be forced to retire. The Partisans also intended to dismiss General Spychalski as the Defense Minister and have him replaced with Korczynski.

But that was too much for Gomulka and his associates. They tried to preserve the balance of power on which they had relied in the past. Gomulka refused to make Gerek Prime Minister; and although he accepted the Partisans' demand and removed Spychalski from the defense ministry, instead of giving this post to Korczynski he appointed a less politically tainted general. Spychalski, whom the Partisans consider their enemy because he helped prevent their taking over the Army, was nominated head of the Polish state. Cyrankiewicz, the "professional" Prime Minister, stayed where he was, but made a speech in the Polish Parliament virtually accepting Partisan theories.

There are a few indications that Gomulka has not yet totally surrendered to Gerek and Moczar. Nevertheless the Partisans seem to have won almost absolute control over the press, radio, television and all the ideological and educational institutions. How secure they feel is indicated by the fact that they now openly attack a man considered as Gomulka's main spokesman, the editor of the weekly *Polityka*, Mieczyslaw Rakowski, and also (though not directly but mostly through their helpers in *Pax* – a pseudo-Catholic organization closely linked to Soviet Security Police) Gomulka himself. The Partisans now dominate all economic ministries and are trying to win over the workers by directing their anger against the few Jewish managers. Despite the fact that Adam Rapacki, known for his "liberalism" and opposition to the purge of Jews from his foreign ministry, continues in office, the Partisans have a foothold there too.

Although the Partisans are in the ascendancy, (Moczar reportedly has already taken Ochab's seat in the Politburo), the struggle for power is likely to continue, probably beyond the party congress due this fall; so, of course, will the purge and the propaganda about "the triple Zionist-West-German-imperialist plot" against Polish "socialist-democracy." But the Partisans may be making a grave mistake in believing that the Polish masses to whom they are unable to guarantee a decent standard of living, can be long kept in line by absurd slogans trying to reconcile extreme nationalism with a racist communism. For years, Poland has been ruled by men with an intellectual competence more suitable to the capital of Albania than to Warsaw. Across the border, in Czechoslovakia, the truth is being revealed about an earlier attempt (The "Slansky Affair") of a communist regime to sell people on a "Zionist plot," invented to justify a reign of unlimited terror. How humiliating it must be for the Polish intellectuals to learn now that the Czechs, whom they derided as the complacent lackeys of Moscow, have taken their lives and liberties in their own hands, and that the Warsaw regime accuses these Czechs of "revisionism" and "Zionism."

Karl Marx once called anti-Semitism "socialism of the fools." What governs now in Warsaw seems to be: "communism of the fools." Poland has reverted to the role she has so often played: sick man of Europe.

PHILIP BEN

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Why I'm for McCarthy

Last April 11, Robert Lowell wrote in these pages: "Of the announced or seriously offered Democratic or Republican candidates, only Senators Kennedy and McCarthy seem morally or intellectually allowable. Of these McCarthy is preferable, first for his negative qualities: lack of excessive charisma, driving ambition, machinelike drive and the too great wish to be President. But I am for him most for what he possesses, his variable, tolerant and courageous mind, lungs that breathe the air. When the race against President Johnson was hopeless and intractable, he alone hoped, entered and won."

I recall those words because they seem to me to say everything which is essential to the case for Eugene McCarthy; you feel the truth compressed in them or you do not; the job left over is only annotation.

When Lowell calls back the memory of Senator McCarthy standing alone last November, he does not, I think, intend a merely sentimental appeal for the man who adventures when others are only cautious. It is certainly pleasant to have Presidents who are gallant; but I will not argue it is essential until someone convinces me that Lincoln was.

The test of the occasion when Eugene McCarthy appeared was not just of a politician's courage but of his sense of responsibility. We were then, as we are still, a wounded country. No Hippocratic oath for politicians exists; we long ago accepted their right to pass the wounded by.

In January, to take a case, Senator Robert Kennedy was asked if he would oppose President Johnson's renomination.

"I must examine the issue," he answered, "*in relation to concern about my own future*, to my own conscience and my judgment on what can be most useful."

The priority of one's skin over one's conscience in this answer was entirely appropriate to the customs of our politics. It is just because there is no Hippocratic oath in his profession that we must cherish the special qualities of any politician who enforces a Hippocratic oath upon himself.

The true significance of Eugene McCarthy is not that he gambled on himself but that he gambled on us. He had, of course, no practical alternative; his fame was modest and so were his means. He became by necessity and remains by his nature the candidate who does not so much ask us to trust him as he asks us to trust ourselves. That is not a statement arguing his special moral claim; it is rather a description of his insight and his sense of community. He alone knew that we were there.

His real force is that he comes to us with no complicity with the past. This seems to me an essential quality in any candidate, because, if a Democratic President of the United States is to be of any real use to us, he will have to appreciate the reason for the disasters the Democratic Party has inflicted upon this country across the last eight years.

There does not seem to me much reason to argue about Mr. Johnson; Vice President Humphrey is disabled especially because of all the months he spent bragging about a government of which so many sensitive Americans felt so deeply ashamed.

President Kennedy's Administration is clearly a more open question, and I respect the domestic sensibilities of Robert Kennedy and Arthur Schlesinger Jr. in this matter. They are natural and I share many of them. And yet, it ought to be said that a great many of us would never have heard of Secretaries Rusk and McNamara, or of Walt Whitman Rostow or of McGeorge Bundy if it had not been for the Kennedy Administration's talent search. And ought it not to be said for poor President Johnson that he inherited from President Kennedy these four men, who were bound to strike anyone this provincial as certifiably brilliant, and that he ought not entirely to be blamed for going down into the pit toward which they guided him on the more significant stages of the journey?

In *A Thousand Days*, Schlesinger remembers a conversation with President Kennedy just after the assassination of Generalissimo Trujillo: "There are three possibilities," the President said then, "in descending order of preference: a decent democratic regime, a continuation of the Trujillo regime or a Castro regime. We ought to aim at the first, but we can't really renounce the second until we are sure we can avoid the third." Now I take this to define as considered policy of this government that the Dominicans ought to endure the Trujillos so long as there existed the *possibility* that they might inconvenience us with a Castro. There is in that choice all the contempt for persons unfortunate enough to live in a small foreign country that seems to me the logic of 15 years of the liberal anti-communism of which the Democratic Party has been the honeyed sword; and it leads quite logically to Vietnam and Mr. Johnson's Dominican adventure. Now I am aware that President Kennedy died at a moment when he appeared to be moving away from the position he inherited, and that, unlike Mr. Johnson, he always gave you the secure feeling that he

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understood how dangerous it is for statesmen to follow their ideas to their logical conclusions.

Still, neither Robert Kennedy nor Arthur Schlesinger quite understands how deep and how wide the complaint of many Americans against America really runs. Schlesinger's account in these pages ("Why I Am for Kennedy," May 4) of the senator's growth was honorable, if naturally selective, although I rather wish it did not depend quite so much upon testimonials from anonymous persons who were associated with him in a government which was hardly an unmixed bag. But you do stick at the sentence: "I saw him fight for civil liberties." Schlesinger was writing after a year in which embarrassed solicitors general of the United States seemed to rise to their feet every Monday, trying to explain some new confession of wire-tapping which had occurred during Kennedy's tenure as attorney general of the United States. I myself am guilty of cheering him on through his pursuit of James R. Hoffa; but it is impossible to read this record without noticing that the attorney general had no concern for Hoffa's rights and liberties beyond the technical minimum required to avoid his escape by appeal.

Schlesinger remembers seeing Attorney General Kennedy "make the first effort in a generation to bring J. Edgar Hoover under some form of control"; it is simple justice to add that one push in that effort was to ask Hoover whether he was aware of the latest advances in electronic detection.

Now the attorney general tapped the telephones of persons who probably ought to be in jail. But the issue which escaped him is how much the state is entitled to do for the sake of punishing the wicked.

The particular distinction of Senator McCarthy's record is that he has so continually been aware of that part of state power which is the enemy of every citizen. He has made his mistakes, and he has indulged his silences. Still he was publicly alarmed by the CIA before any other senator was; he was almost the only man in Washington to speak out against Secretary McNamara's curious device of improving his cost balance by selling surplus weapons to foreign governments.

After Undersecretary of State Katzenbach suggested to the Foreign Relations Committee that, at this stage of our freedom, there was nothing representative government could do to inhibit the President from using our troops wherever he chose, McCarthy emerged to say: "This is the wildest testimony I ever heard. There is only one thing to do – take it to the country."

And that after all was the issue and still is. You will notice that Senator McCarthy always draws the line in rather homely terms; his private and his public speech are very much the same. I remember his being asked early on why he was enduring a pilgrimage that appeared so hopeless at the time and his answering, "I don't want to end up where Adlai did." Adlai Stevenson uplifted the Democratic Party when it was out of power, and it destroyed him when it was in power. If we are to be redeemed, it can only be by a public man who understands the horror of ending with his public loyalty surviving his private faith. Because he is the sort of man who understands that sort of choice, Senator McCarthy has been able to move through all these months with his tone unchanged. And there are worse ways than tone to really tell the difference between men.

For example, Senator McCarthy can say quite casually what other politicians only whisper; he can announce that he will dismiss General Hershey and FBI Director Hoover and Secretary Rusk and not think of these things as requiring any special sort of courage. He takes for granted a constituency of Americans to whom what has been publicly sacred is a private source of shame. He can even denounce the indictment of Dr. Spock, an omission for which we cannot criticize the other candidates because they may sincerely believe Dr. Spock ought to be indicted.

We see then, after so long a time, a free man and, thanks to him, we know now that we may walk as free men. That, I suppose, is what Lowell meant when he spoke of lungs that breathe the air.

I have gone all this way and have not mentioned civil rights. But then what little the Negro has been able to win, he has had to take by himself, while he was trying to register to vote and waiting for help from the Justice Department in 1962, while he was appealing for relief in Judge Harold Cox's court or while he was engaged with a government that respected the dignity of George Wallace and Ross Barnett even in those moments when it was forced to think awhile about the Negroes' dignity. I do not remember these things to quarrel with Senator Kennedy, but only to explain why I cannot tell any Negro that he should trust any candidate of mine. Beyond that, it is no small grace to have a candidate who does not feel compelled to use the expression "law and order" when he is campaigning.

I think that there is moving through this country a deep sense of humiliation at what it has become, and a cry that it must cease to do evil before it can begin to do good. If I am right, I am talking about a revolutionary current. Eugene McCarthy is that revolution's leader because he knew how to listen to the silent. We cannot accept any substitute for that sort of revolution. The stakes are not Eugene McCarthy's; they are ours – our trust in ourselves, our violated honor as a people, the sudden new faith that men can walk upright and alone and arrive at a better place.

MURRAY KEMPTON

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Taken for a Ride

by Gilbert B. Friedman

A well-dressed man in his forties came into my law office very distressed. About a month before, he had been in an auto accident in which the other driver was injured. He had given the other driver his license number and the name of his insurance company. "I thought everything would be taken care of," he told me, "I bought my insurance from the dealer that sold me my car, and he told me I was fully covered. But after the accident my insurance company sent me a letter saying my insurance covered only damage to my own car. Then I got a letter from the state telling me to post a $1,300 bond or lose my license. I can't come up with $1,300."

"How was the insurance you bought sold to you?" I asked. He explained: "After we negotiated the price and down payment, etc., and the salesman was writing up the papers, he asked if I had a broker to get insurance. He said, 'You know that we can't let you drive the car out unless you have insurance.' I said that I had no special broker or insurance company. The salesman said, 'We can handle the insurance for you, and add the charge right into the contract.' That sounded pretty good since I didn't have too much cash after making the big payment on the car. The salesman then wrote in the insurance on the policy, and added the cost, $250, to the total charge. It just made my payment slightly larger."

I asked my client why he felt that he was fully covered. "My God," he said, "for $250 even in San Francisco that should fully insure anyone for most everything."

Logical but untrue. The insurance he bought was a two-year, $100 deductible collision and comprehensive policy, covering only damage to the insured car. It does not cover liability for injury or damage caused by the insured to others. Thus my client's problem. Without liability insurance, he failed to meet his state's financial responsibility law.

All of the 47 states without compulsory insurance have such a law. It requires a person in an accident to demonstrate that he is "financially responsible" by either having liability insurance or posting a bond. If he can do neither, his driver's license is suspended. The amount of the bond is determined after estimation of injury and damage to the other party, and can run as high as $25,000.

The question of who caused the accident is relevant in only six states. Colorado's Supreme Court declared its state's law was unconstitutional as a denial of due process, because it failed to provide a person a hearing to demonstrate he wasn't at fault before his license was suspended. In April 1968, a California trial judge came to the same conclusion, and that verdict will certainly be appealed. But in 34 states, even if my client had been stopped at an intersection and a drunk had run into him, he would have lost his license if he couldn't come up with the money. Once suspended, he might have to wait one to three years before recovering his license. Twenty states require that he obtain liability insurance before having his license reinstated.

My client could not raise the $1,300 and, therefore, had his license suspended. Later I asked numerous other practicing attorneys if they had run into this situation. Their answer invariably was, "It happens all the time."

How does this sort of thing happen? Most cars are bought on credit. The purchaser pays a portion of it, and the remainder is through a loan from some financial institution. Loans on cars are a huge business. In one month, November 1966, the Federal Reserve Board reported that $2.46 billion in new auto loans were written.

Now it is reasonable that when a bank or other financial institution gives a loan on a car, it wants to protect its security. For in a transaction such as this, the financial institution is the legal owner, while the purchaser is only the registered owner until the loan

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GILBERT B. FRIEDMAN, *whose most recent article in these pages told of what happens when car payments can't be met ("The Repossessed," April 27), is a staff attorney for the Legal Aid Society of Alameda County in California.*

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on the car is paid in full. Naturally the financial institutions want to make sure that if anything happens to the car, their interest in it will be protected. The loaning institution accomplishes this through insurance. If the car has collision insurance, then, if the car is in an accident, the bank knows that the car will be repaired to its original condition, over and above the deductible portion. If the car is covered by comprehensive insurance, then the financial institution knows it will be repaid by an insurance company if the car is stolen, and that the car will be repaired if vandals damage it.

The general rule, therefore, is that a car dealer won't allow a car bought on credit to be driven from the showroom unless the required insurance is purchased first. Where the buyer does get the car before the required insurance is purchased, the bank will in some cases buy the collision and comprehensive insurance policy, send the bill to the buyer and have his monthly payments adjusted for the cost of the policy and interest on that cost. The sales contract for the car allows the financial institution to do this. However, in most cases, the arrangements for insurance are made right at the showroom.

The dealer that sells the car isn't an insurance agent, of course, nor is the institution that finances the car. They are in the business of selling cars on credit, and the only reason they involve themselves in insurance is to protect the financier's interest in the yet unpaid for car. They may know that the collision and comprehensive insurance is completely inadequate to cover the buyer of the car, and that the buyer should also purchase liability insurance. But that is not their affair; besides they don't want to bother with liability insurance because of the possible difficulty in placing the insured because of his driving record, or because of the arbitrary underwriting policies of many companies. Furthermore, the extra charge might scare the buyer away! So they don't mention liability insurance, and in many cases try to make it appear as if the insurance they have sold the buyer with the car fully covers him.

In many states, if a dealer only sells collision and comprehensive auto insurance, that must be spelled out in the conditional sales agreement. But how many buyers read their conditional sales contract with all its fine print? Even if they do, they don't know what the different types of auto insurance are. If someone did read the conditional sales contract, and it clearly said that he was only being covered by collision and comprehensive insurance, it is not unusual for him to conclude that he has what he needs, "comprehensive" insurance. Can you think of a more misleading word in the entire English language than "comprehensive," used to cover insurance for only fire, theft, vandalism, and loss of $100 worth of personal property from your car if by fire and lightning?

Suppose a buyer was led to believe he had complete coverage, when, in fact he had been sold only comprehensive and collision. What can he do after an accident? Sue the dealer? He could try. The insured received a copy of the insurance policy. Why didn't he read it? The policies all say on their covers, "Please read carefully." This is no easy case to win. Probably very few attorneys would take this type of case on a contingency fee contract, though they do sometimes. In a 1964 Minnesota case, *Hochemyer* v. *Motor Insurance Corporation*, the buyer of an automobile on a conditional sales contract sued the insurance company for negligent failure of the seller to provide liability insurance. The seller of the car was also the agent of the insurance company. The insurance company was not authorized by the state of Minnesota to sell liability insurance, just collision insurance. The Supreme Court of Minnesota decided the case in favor of the insurance company, on the grounds that since it could not sell anything but collision insurance, its agent, the car dealer, could not have any greater authority, either express, implied, or apparent than the principal itself had.

Obviously, Motor Insurance Corporation in Minnesota is one of the insurance companies that sells collision insurance so as to protect the lending institution's loan. These companies exist in every state. Most large banks have their own insurance company to write the collision insurance when they make a loan on a car and the other party has no insurance, and if they don't actually own a company, they have one to feed it their business.

For example, the Premier Insurance Company of San Francisco, which writes insurance for people financing purchases through the Bank of America, sold $9.8-million net worth of collision and comprehensive in the year 1966. But Premier carries no liability policies at all. A January 1967 study entitled, "Report to the [California] Legislature," told of an informal survey taken of drivers who had their licenses suspended for failure to comply with the financial responsibility law. Over 15 percent said that they "thought" they had liability coverage meeting California requirements.

But there is another unsavory feature about this selling of insurance to car buyers. In about 70-90 percent of the cases where insurance is bought through car dealers, even the collision and comprehensive insurance does little to protect the buyer.

All the unsuspecting car buyer has usually been sold is a vendor single interest policy. Besides being extremely expensive, this policy only protects the financial institution which financed the car. If the car is in an accident and there is $300 worth of damage,

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the insured will have to pay everything; unless, of course, he can sue the other driver. The only time the insurance company pays is if the car is stolen or totally wrecked. Then the insurance company will pay the bank for its loss. But since it is a "deductible" policy, the insurance company will pay the bank for the loss of the car minus the deductible portion, usually $100, and that must be paid by the insured. In short, the insured pays the premium and the bank collects the money. The $9.8 million worth of collision and comprehensive insurance sold by Premier in 1966 was *all* vendor single interest policies.

The only other insurance that even compares with the "Vendor Single Insurance" is the credit life and disability insurance that is also sold along with car purchases. Under these policies, which are included as part of the sales contract, any remaining payments on the car are paid by the insurance company in the event of the death of the buyer, and payments missed by the buyer due to illness are also paid. Although approximately nine out of ten people who buy cars from a dealer are sold this insurance, it is one of the worse buys available. Premiums are fantastically high and any regular insurance agent can sell you a much better policy for half the price. A credit life insurance policy costs $34 over three years to protect a $3,000 debt. It should cost about one-third of this.

In the first place, each month as you make a payment the risk to the insurance company decreases, since the amount they might have to pay is decreased by the amount of the payment you have made. Therefore, if your payments are $100 a month for 30 months on a $3,000 loan, before the first payment the insurance you are buying is for $3,000, but after the first payment it drops to $2,900, the new balance on the loan, and so on until before the last payments you have insurance for only $100, the balance on the loan. You are thus not really paying $34 for $3,000 worth of insurance but for a much smaller amount over the three year period. Congressional committees have held hearings on the abuses in this field of credit insurance. Some companies paid only 15 cents out in benefits for every 75 cents they took in as premiums.

The very nature of these companies deserves mention. Many operate out of states where insurance regulation is very weak, for example, Texas and Pennsylvania. If there is a claim to be made, where do you go? The car dealer who sold you the policy says he has nothing to do with claims; he was just the agent for the company. The company has no local offices or even offices in your state. You must write their home office in Texas. They fail to answer your letter, or they quote some provision of the policy in small print which excludes you. What can you do? You can sue in your own state, but the whole burden is on you.

Besides this, the loopholes in these policies are notorious. By far the most prevalent one is that if the condition which causes you not to be able to make your payments were a *preexistent* condition, then the company need not pay. This is rarely made clear to the buyer. Millions of persons suffering from a wide variety of illnesses from heart trouble to multiple sclerosis are sold these health and accident policies. Subsequently, when they have an attack or these diseases stop them from making a payment, the company says they're not covered; they had this disease previously. And that's not all. A woman client of mine just purchased a car on time. She was sold a health and accident and a life insurance policy. Three weeks after she bought the car she discovered she had tuberculosis. Her case was serious and she would have to go immediately to a sanitarium for at least several months. When she first applied to the insurance company, she was told she was not covered because she had the condition prior to her buying the policy: tuberculosis takes years to develop. The fact that she was unaware of the condition did not change the insurance company's position. After I got into the case and threatened suit, the insurance company started to make payments – but only out of the generosity of their hearts – still denying that they were in any way liable. After they stopped, I again threatened suit. Rather than pay the legal expenses to fight this case or perhaps even more to keep this specific issue from being litigated, they again renewed payments. Unless you have an attorney who threatens suit, these companies just don't pay. If the illness prevented your making a few payments, the suit would not be worth enough money for a private attorney to take it. No one denies the right of a bank to protect its security in the car, but how long must millions of Americans drive around with nothing but collision and comprehensive insurance, thinking they are fully covered.

Present state laws, which require the conditional sales contract to state in large print that the insurance sold contains only collision or comprehensive or that it doesn't include liability, are meaningless. Meaningful legislation would require that a dealer be prohibited from selling any auto insurance without simultaneously selling liability insurance. This would prevent millions of Americans who do want insurance from being misled. The bank would still have its interest protected, but not at the expense of the public or purchaser. Despite the protestations of the car dealers and banks, there is no evidence that the sale of cars in New York, Massachusetts, or North Carolina where liability insurance is compulsory has slowed down.

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Stanley Kauffmann on films

Odd Couplings

If Luis Buñuel's new film were by an unknown director and thus were not escorted by the usual phalanx of Buñuel panegyrists, it might be easier to see it as a moderately amusing restatement of a familiar theme, fairly well performed, frequently titillating. True, some of the editing is sloppy (like the bit where we follow Michel Piccoli from the ski lodge for no reason whatsoever); true, the symbolism is heavy (like Jean Sorel's glimpse of the wheelchair that prefigures his accident) and the flashbacks that explain the heroine's psyche are simplistic; true, Buñuel is overfond of opening a sequence with a shot of a set and letting the actors walk into it; and true, too, that the heroine's fantasy sequences are prosaically conceived. But the color is good, the pace is satisfying, and the brothel atmosphere is something that is always interesting to both sexes.

Belle de Jour
(Allied Artists)
The Odd Couple
(Paramount)

For *Belle de Jour*, Buñuel returns to Paris where he started his film career in 1926. The basic idea of the picture was old even before the Empress Messalina painted her nipples gold and went out to stand on Roman street-corners. The screenplay was adapted by Buñuel and Jean-Claude Carriere from a novel by Joseph Kessel, which Buñuel is said to dislike. It has some resemblance to the Giles Cooper-Edward Albee play *Everything in the Garden* that was seen, with fit brevity, on Broadway this season – it concerns a respectable wife who works secretly as a prostitute in the afternoons. The Cooper-Albee play, not to elevate it one whit, tried to use the idea as an attack on the mendacities of bourgeois life. Buñuel, who has often animadverted against bourgeois society, uses the idea solely in subjective, psychopathic terms. A young woman, who is frigid because of childhood conditioning, has married a weak, gentle young man. She indulges in fantasies of flagellation and violation and, in her own bed, she recoils from her too kind husband. Through a series of clues dropped by friends, she finds a genteel expensive brothel, where, after some initial hesitation, she throws herself heartily into her work – always leaving at five so that she can be home before hubby. We see a succession of odd patrons who arouse her; but she becomes thoroughly infatuated with the toughest of the lot, a brutal gold-toothed young thug. Her afternoon activities eventually lead to disaster for her poor husband, to her retirement from her new profession, and to her return to the fantasy life with which she began.

Her story is unrelated (as far as we are shown) to social-cultural causes, nor is it an excursion into de Sadean freedom. Except when he is dealing with rape, de Sade usually writes of people who have full sex lives of one kind or another, or of virgins who are eager to begin, and who extend their sex lives in order to extend the borders of experience and to rebel privately against custom and religious proscription. Buñuel's heroine is not a virgin yet she has, figuratively, no sex life; her expedition into whoredom is psychologically compelled, a drastic means to redress early emotional injury rather than a "normal" person's deliberately expanded freedom. There is a passage from Friedrich Engels about novelists that Buñuel, in a 1953 lecture, applied to filmmakers:

> "The novelist will have acquitted himself honorably of his task when, by means of an accurate portrait of authentic social relations, he will have destroyed the conventional view of the nature of those relations, shattered the optimism of the bourgeois world, and forced the reader to question the permanency of the prevailing order, and this even if the author does not offer us any solutions, even if he does not clearly take sides."

In *Belle de Jour* the text is Krafft-Ebing, not Engels. By Engels' standards, since Buñuel has dealt with a sickness that could occur in *any* society, the filmmaker has neither shattered the optimism of the bourgeois world nor forced us to question the prevailing order, and has not in this instance "acquitted himself honorably." Instead of following the guidelines he himself has set, Buñuel has merely provided a diversion for the bourgeoisie – a very mild diversion at that.

His cast includes two men who have acted for him before, Michel Piccoli, as a rich hedonist, and Francisco Rabal, as an older thug. Along with Piccoli, there are two other actors from another recent piece of French near-pornography, *Benjamin*. (A coincidence?) Pierre Clementi is the young tough, and Catherine Deneuve plays the title role. Clementi is much more credible here in ugliness than he was as the golden Benjamin. Miss Deneuve, who incidentally, provides us with an Yves Saint Laurent fashion show, looks dainty in her underwear, but her face is not much more expressive than her navel.

Roughly speaking, there are two kinds of film stars: those who are what we yearn to be and those who realistically represent us. The first are impossibly attractive, and they embody the beauty inside us that the world never sees – from Valentino and Garbo and Dietrich to both Hepburns (Katharine and Audrey), Peter O'Toole and Cary Grant. The second embody the good humor, honesty, and warm humanity that, we are all sure, are our hallmarks to the world – Mary Pickford, Jean Arthur, Shirley MacLaine, Jean Gabin, James Cagney, Julie Andrews, Spencer Tracy for a random sample. There are also hybrids, combining glamor-looks and earthiness – Fredric March, Sophia

(Continued on page 43)

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Books and the Arts

Cities to Live In

by Michael Harrington

Almost no one in the United States is talking seriously about what must be done to resolve the crisis of the cities, despite the remarkable proliferation of research, oratory and even legislative proposals which seek to confront the problem. In February, the President proposed to replace or rehabilitate six million substandard housing units within 10 years – and the *New York*

The Urban Prospect
by Lewis Mumford
(Harcourt Brace & World; $5.95)

Times called his message an "essentially conservative document." Then the National Commission on Civil Disorders doubled the ante: the six million units were to be dealt with in five years. Shortly thereafter Governor Nelson Rockefeller edged toward the Republican presidential race by calling for a capital expenditure of $150-billion.

All of these projections can be put in proper perspective when one remembers – as the Riot Commission did – that in the last 31 years, the US government has built only 650,000 units of low-cost housing (during roughly the same period, it was financing over ten million units of middle- and upper-class dwellings). In other words, President Johnson's prudent definition of what is necessary means that in 10 years we must do 10 times as much as has been done in the last 30.

But even supposing that such a fantastic quantitative increase in public social spending were to take place, we are almost totally unprepared to use the money. For even the most compassionate suggestions recently made in this area – those, for instance, of Senators Robert Kennedy and Percy – assume that a new America can be built by the existing housing industry (if one can dignify a Model T sector of the economy with such a name) and according to the prevailing principles of urban design. All that is needed, some excellent people say, is to provide a few tax incentives, or other subsidies, to stimulate the genius of free enterprise in the slums. That is utopianism in the most pejorative sense of the word.

The essays in Lewis Mumford's new collection were not written with these new panaceas in mind (although the last chapter was prepared for the Ribicoff Committee hearings in 1967). They were published in various magazines and journals over the last 15 years and they restate familiar Mumford themes. Yet they raise relevant, and embarrassing, questions about that speech on the crisis of the cities which you'll be hearing next week.

A humane, urban environment, Mumford has long understood, must be planned. In the last generation, however, when government has recognized a responsibility to do something about the laisser-faire sector of slums and suburban sprawl, the result has been disastrous. For bureaucratic bulldozers took over from the speculators, and the social-mindedness of public power was about equal to that of the profiteers. "Is there any reason," Mumford asked the Ribicoff Committee, "to suppose that a massive new attempt of the federal government to wipe out the existing slums . . . will succeed any better than our earlier efforts unless we change our methods and objectives?"

Yet at the moment, almost all the suggestions call upon Washington to subsidize our "methods and objectives" rather than change them. The very same builders who used federal credit to convey the white middle class out of the central cities and to uglify the countryside are now to devote their social and aesthetic sensibilities to cleaning up the mess which they themselves made, and society is to reward them for doing so. Or, as in Governor Rockefeller's proposed Urban Development Corporation, the public's right of eminent domain is to be put in the service of a gigantic private bulldozer in a plan which seems almost designed to repeat the Title I scandals, the failures of urban renewal and the imperious reign of Robert Moses in New York.

Mumford understands that such an approach is destined to tragic failure. But he also rejects the notion that the way to beat Megalopolis is to join it by piling people on top of one another in rational, sanitary and unlivable skyscraper slabs. Wherever that has been attempted, in public housing projects or Stuyvesant Town developments, vast areas of the ground surface have indeed been opened up to sunlight and air, just as Le Corbusier predicted. But, Mumford insists (and I agree), that the space which we thus acquire is lifeless and abstract, not livable. So true to ideas which he has championed for a lifetime, Lewis Mumford restates the contemporary relevance of Ebeneezer Howard's vision of garden cities.

There are, Mumford holds, two contrasting, but complementary, innovations which must be undertaken if we seriously believe that "our civilization is worthwhile maintaining. . . ." Government must simultaneously become bigger and smaller.

To achieve human scale, there must be new towns and rehabilitated old neighborhoods, large enough to provide diversity of people and economic function), but small enough to encourage sociability and a politics of participation. In its analysis of the problems of local government, the Committee on Economic Development (that is to say, the sophisticated *haute bourgeoisie*) made a point similar to Mumford's, that we should create units of 50,000 people throughout the society.

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But even though this idea seems logical to a social thinker like Mumford and to big businessmen, all the trends are against it. The society is either becoming too dense (in the slab city and in the slums) or too thin (in the meandering suburbs). What New Town movement does exist is largely under private auspices, i.e., dedicated to building middle-class bedrooms rather than genuine communities. And last year when Gulf Oil replaced the innovators at the Reston "New Town" in Virginia with conventional managers, it was announced that the new directors would pay attention to the market rather than social and aesthetic ideals.

So I would add to Mumford's point the observation that only public monies and planning, acting against the current prejudices and priorities of the housing industry, can provide a basis for the excellent kind of new towns which he envisions. This is not to say that Washington (or the states and municipalities) must go into the construction business. It does mean that the massive subsidies which are already provided in this area – mainly for the middle class and rich – must be carefully tied with social and aesthetic strings, and that there be overall planning.

Beyond this, Mumford realizes that there must be larger, regional governments capable of coordinating new towns, revitalized cities, rural areas and Greenbelts. Metropolitan units are too small, since they concentrate only on urbanized areas and are therefore unconcerned with, or even hostile toward, the necessity to seek a regional mix of planned land uses. But it is at this level that some of the most radical innovations are required. And I think Mumford is quite right to argue for regional legislatures which would provide a democratic method of arriving at planning decisions, a point which is particularly relevant now in terms of the debate over black power.

There are black power advocates who fear that any enlargement of government jurisdictions will be a ruse to disenfranchise the Negro majorities which are beginning to appear in the central cities. Their suspicions are quite justified – some metropolitan schemes are designed on a "one man-one vote" basis which obviously overrepresents the white suburbs at the expense of the impoverished metropolis. But their conclusions are really quite conservative, for what fundamental purpose will be served if black people seize political control of their own urban misery? Problems which afflict the Negro (and white) poor – the basic trinity of jobs, housing, schools – are metropolitan and regional in scope. It makes no sense to ignore this reality in return for a black mayor and city council. But what can be done – and here Mumford is on the right track – is to structure regional planning democratically so that, through the "one man-one vote" principle, the impoverished will have a genuinely meaningful setting in which to organize politically. That is the road to real power.

All this requires much more profound change than is dreamed of in the philosophies of "creative federalism." It demands, as Mumford knows, not simply massive quantities of money but the exercise of social imagination. And it is this latter quality which is so strikingly absent from most of the present discussion. We are, the Administration tells us, going to build a "second America" by the year 2000 (between now and then, Mr. Johnson has calculated, it will be necessary to build more new housing than now exists so the phrase is literal). But very few people trouble themselves about the crucial questions of social and aesthetic design which are posed by such an undertaking.

No one honestly thinks that the nation is prepared to fulfill the quantitative goals it has set itself. But even if the political will to live up to these commitments did manifest itself, there would then have to be a ranging, radical debate on the issues which Mumford raises. There would necessarily be considerable conflict in the process, for powerful interests, like the automobile, oil and real estate industries, would have to be deprived of at least some of their princely subsidies. If that day ever comes, *The Urban Prospect* – the whole Mumford canon – will have made a significant contribution to the emergence of a new society.

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What Made Our Revolution?

by Jesse Lemisch

Bernard Bailyn sees the American Revolution as an event in the history of ideas. He shows how the disparity between American political realities and the English experience from which certain political ideas derived, finally led to revolution. Much of what he says is novel and persuasive. But it misleads us about the nature of the American Revolution, and it also is representative of certain glaring blind spots of recent American historiography.

The Origins of American Politics
by Bernard Bailyn
(Knopf; $4.95)

Social conditions in 18th-century England seem a natural starting-point for an exploration of the revolutionary ideology which emerged there. Bailyn quotes J. H. Plumb, who describes a savage and violent society of slums, starvation, epidemic, "rick burnings, machine-smashing, hunger-riots"; the poor "herded" into jails and workhouses which "resembled concentration camps"; ten-year-olds hanged for petty thefts. But this is the last we are to hear of the poor. Bailyn shifts from this Hogarthian reality to the world of Gainsborough so abruptly that the brief appearance of the poor becomes inexplicable; everything which follows seems to deny their existence: "England was rich, and getting richer." (Bailyn omits Plumb's suggestion that things were getting worse for the poor.) But once he has let the poor out of the bag, they remain with the reader, who has a right to be puzzled by "eighteenth-century Britons' sense of their multifarious accomplishments . . . and their distinctiveness in the achievement of liberty." How can Bailyn speak of an era of "harmony and political stability" in the face of widespread riot and protest? How could the English pride themselves on having "eliminated . . . arbitrary power" from government when, to take one instance, the press gang was omnipresent, abusive of human liberty, and – according to learned jurists – legal?

Although Bailyn repeatedly describes the self-congratulatory mood as simply "English," it turns out that these beliefs were "universally shared by all *informed* Englishmen" (emphasis added). How universal is that? Not very, Bailyn suggests a few footnotes later: "the uninformed and credulous of all classes . . . were the majority." He views British society from the vantage point of a minority, an "informed" elite. Not the entire elite; Bailyn's focus is on Walpole's opposition: Bolingbroke on the "far right" and, on the "far left," a group of "left-wing" writers and "coffeehouse radicals" of whom the "most effective" were John Trenchard and Thomas Gordon. Left and right merge on "fundamental points," and somehow, with a mathematics which the contemporary left might well envy, it all adds up to an ideology which Bailyn describes variously as "radical," "democratic" and "popular."

The opposition as a whole was in fact part of the mainstream on "major points of doctrine." Bailyn's radicals saw their task as the preservation of a proper balance within government, lest magistrates become "plunderers and murderers." But magistrates *were* plunderers and murderers. Edward Thompson has described the politics of a slightly later period as a game in which the king was the croupier; the opposition seems to have wanted simply to have the croupier play by the rules, not to end the game.

Trenchard and Gordon thought a commonwealth or republic the ideal government, but they rejected it in practice, since it could be brought about only through "bloodshed and upheaval" (of which, Bailyn seems to have forgotten, there was a great deal in England, much of it official). The *Dictionary of National Biography* tersely describes Trenchard as "a Whig with popular sympathies, but by no means a republican, as his opponents wished to consider him." Elsewhere, Bailyn belatedly but temporarily notes that his radicals did not seek "to recast the social order" or to deal with "problems of economic inequality and the injustices of stratified societies."

When Bailyn says that the views of the English opposition were determinative of American views, we want to know, *which* Americans? By Americans, he means "informed" ones, especially certain pamphleteers whose work he collected and analyzed in his *Pamphlets of the American Revolution*. It should come as no surprise that Bailyn's study of such sources "confirmed [his] rather old-fashioned view that the American Revolution was above all else an ideological-constitutional struggle" and convinced him that "in no obvious sense was the American Revolution undertaken as a social revolution." These conclusions arose directly out of his choice of sources, not necessarily out of reality. Did he expect to find an attack on elitism in the thought of the colonial elite? What assumptions led him to suppose that study of the pamphlets gave him an "interior" view of the "Revolutionary movement"? In what sense are the "informed" closer to

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reality than the "uninformed"? Whose definition of the Revolution shall we accept, John Adams' or that of the men who fought in it? Why not *both*?

Bailyn describes political practices in the colonial legislatures. Where there was harmony in England, there was strife in America: strife between and among executive and legislature. Legally the executive had more power in America than in England. But the "private" constitution through which the executive maintained control in England – *e.g.*, patronage and an easily manipulated electoral system – scarcely existed here. Thus American politics was a matter of "swollen claims and shrunken powers." Colonials applied the view of politics acquired from the English opposition: the mixed constitution was the ideal, and the colonial executives seemed to threaten a proper balance. That threat seemed deliberate and conspiratorial and, in the 1760's and 1770's, overt. Americans went to war to maintain the Glorious Revolution, to oppose arbitrary power.

Bailyn has made a major contribution in making sense of the legislatures' fears; it seems very clear that they did indeed see the actions of the governors through lenses acquired from Trenchard and Gordon. But is it correct to see the struggle of the legislatures as one in which they are "radical," stand for "popular interests," "popular forces" and "an over-great democracy"? Bailyn's account of the conflicts of colonial politics is to an extraordinary extent a story of economic interests competing to divide the treasure of America: rarely has a scholar arguing for an "ideological" interpretation presented so much evidence to delight economic determinists. Conflicts occur among "ambitious merchant farmers," "merchants and landowners," a governor who came to America "to recoup his dwindling fortune." Traders struggle with traders and are supported by a syndicate of London export merchants; a governor is supported by merchants whose interests in military contracting he favors: he is accused of "profiteering." Colonial politics presents "an almost unchartable chaos of competing groups." Although economic groups sought political expression, there were no "classes," only "stratified 'dignities'." (Bailyn earlier found a similar diversity among 17th-century New England merchants – who "formed not a singular social entity, but a spectrum; not a clearly defined bloc" – and in 17th-century Virginia, although in the latter case he was able to detect what he called a "ruling class.")

The conduct of the legislators among themselves, or even in conflict with the governors, really tells us next to nothing about democracy. The only way in which we can even approach valid judgments on such matters as class and democracy is to examine the smaller group as it relates to the larger; in the case of colonial America, we must look to those outside of and below the legislature.

Another way of putting the issue is to ask: were there, with regard to the populace at large, matters on which the contentious legislators agreed and thus did not *have* to argue? As in England, both administration and opposition accepted the necessity of the tripartite constitutional balance. They did not argue about the social structure because they did not wish to change it; their silence on this matter makes them more partisan than neutral. They all agreed that effective power should not be given to the people; dispute as they might over who was to get what share in America, the legislators and the governors agreed that that was a matter to be decided *for* the people, not *by* them.

The consensus was not total: Bailyn has not in fact explored here what he calls "the full range of advanced ideas." The existence of Tom Paine and a few other political thinkers – who do not appear in this book – indicates that it was possible to conceive *more* advanced ideas. There was an alternative body of political thought, majoritarian and democratic, rejecting checks and balances, which were seen, correctly, as a means of shackling the popular will. The quality of the mainstream "democratic" consensus is better defined by its response to these deviant doctrines than by its quarrels with the governors. John Adams "dreaded the Effect so popular a pam-

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phlet" as Paine's *Common Sense* might have, with its proposals which he thought "so democratical, without any restraint or even an attempt at any Equilibrium or Counterpoise, that it must produce confusion and every Evil work."

When we view the colonial legislatures from below, it is immediately evident that the underlying ingredient of the consensus which held the elite together was anti-populism. Did Trenchard and Gordon's American followers believe in freedom of speech and press? For themselves, yes, but certainly not for those outside the legislature. What Bailyn seems uncritically to accept as libertarianism has been more accurately described by Leonard Levy as a "legacy of suppression," much of it done by the legislatures.

Although he seems to accept the dubious idea that government in 18th century England did not "act on society," Bailyn sees the colonial legislatures as being led, "willy-nilly . . . to exercise creative powers." A large part of that creativity was economic. "Out of the necessity of the situation," writes Bailyn there devolved upon colonial legislatures the power of distributing land. "Social institutions too had to be created, or legalized." But the content of colonial legislation reveals a forthright expression of class interest; its execution shows a pattern of class justice. If the colonial governors found themselves largely powerless against the economic onslaught of the legislatures, what of the people? Why do we acknowledge a conflict of economic interest in the former instance and ignore it in the latter?

For Bailyn, political representation in the colonies was either "remarkably equitable" or well on its way there, because it was "dynamic, growing": "freehold tenure was almost universal among the white population." (That universality is almost immediately halved when he says that "fifty to seventy-five percent of the adult male white population was entitled to vote.") His argument for universality is based in part on acceptance of the work of Robert Brown. Since 1955, when Brown advanced this idea, there has been over a decade of critical scholarship, some of it attacking Brown's statistical methods and suggesting that the truth might be the opposite of what he contended, but for Bailyn, it is as if this decade never existed. Not only have historians challenged the universality of suffrage in the colonies; they have carried the debate to a higher level, pointing out that voting may have nothing to do with political power.

Bailyn's contention that representation in the colonies was equitable reduces to the argument that apportionment kept pace with geography. This seems a narrow measure of equitability. If every new town was represented, we still want to know something of the dynamics of control in small towns: *which* townspeople were represented? who gets elected when balloting is open? A town meeting may be one of the most easily controlled institutions in a democracy.

There is another sense in which representation in the colonies was anything but equitable, dynamic, or "well adjusted to the growth . . . of population." In this book Bailyn focuses on the "openness" of the colonial economy. In his other work he has shown that the long-term trend in colonial society was towards increasing social stratification; "mobility was slowing down." Others have revealed that this was happening on all levels. The open economy was closing down: seamen earned a decreasing share of the rising productivity of shipping; the propertiless multiplied. Thus when we consider representation in terms not of geography but of class we find that the trend is the reverse of dynamic. One wants to reexamine the meaning of America as a land of opportunity in the light of declining opportunity. One wants to consider the meaning of the slogan, "no taxation without representation" for those who had nothing to be taxed.

Bailyn has successfully depicted the ideology of the American ruling class. Yet this gives us hardly an inkling of what the Revolution meant to three million Americans. That revolution was led by men who defined their own privilege as synonymous with "liberty"; Bailyn accepts them on their own terms and ignores what they chose to ignore.

In an ironic sense, he has described the origins of American politics. For

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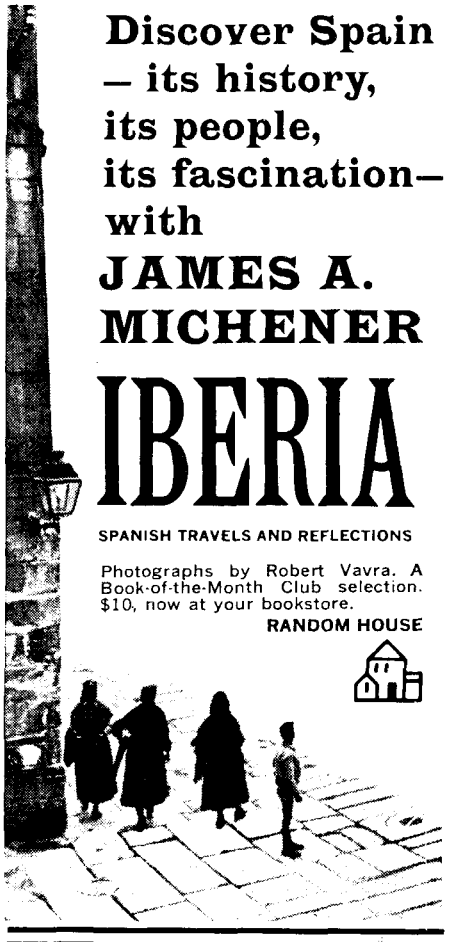

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some time now our historians have been telling us that our politics has been one of consensus: although there have been disagreements among Americans, there has been agreement about fundamentals. In fact there have been real divisions in American life, together with pain, suffering, atrocity and genocide. Our politics has not reflected this; politics has achieved consensus by the simple device of being a politics of exclusion. Daniel Bell blundered onto this when he defined democratic politics as "bargaining between *legitimate* groups and the search for consensus" (emphasis added). Thus those academic boosters who have revelled in the non-ideological nature of American politics and the lack of substantial differences within it have been defining what is essentially a one-party politics. To find the other party we must move outside the political structure, beyond the "mainstream."

The habit of identifying elitist politics with reality has deeply misled us and has in large part brought us to our present crisis. Despite all his concern for "ideology," Bailyn has laid a belated foundation stone for the end of ideology by identifying as "democratic," quarrels among the powerful at which the powerless were expected at best to be spectators. Similar ways of thinking have led us to see poverty as affluence, and "pluralism" where there has in fact been only argument among those groups powerful enough to define themselves as "legitimate."

As reality begins to break through, we emerge from our own self-congratulatory Augustan age. There is very little time left in which to learn radically new ways of thought. Before we undertake more studies of "informed" people, we must ask ourselves, who is better informed about the realities of life in America today. Everett Dirksen, or a ghetto resident? It is time that intellectuals become less parochial, stopped patting their colleagues on the back, and strive for a more objective perspective. In our history as in our public life we must move beyond elitism.

Heart Transplants and the Press

by J. Michael Crichton

Some weeks ago, a small sign was tacked onto the bulletin board of a Boston cardiology lab. It read: "TV is as invasive as CA." Doctors who saw it smiled, but didn't laugh, for the warning within the joke troubles them: cancer is an old and familiar enemy, but TV is not.

The recent advances in cardiac transplantation have probably received more publicity in the mass media than any other single development in the history of medicine. The consequences of this exposure, like the consequences of the operations themselves, are only beginning to be examined by physicians, but already there is widespread doubt concerning the value of such press coverage.

The Transplanted Heart
by Peter Hawthorne
(Rand McNally; $4.95)

Traditionally, the American medical profession has adopted a cautious attitude toward the press. In 1847, the year the AMA was founded, a code of medical ethics was drawn up for association members which advised that doctors not publicly criticize each other, in order that the profession protect its prestige. Twenty years later, when individual physicians began extravagantly advertising their diagnostic and therapeutic skills, it was decided that a doctor could only announce his name and the location of his offices. From that time on, physicians have felt a sense of propriety which dictates that their relations with the press should be subdued.

This mistrust of the mass media has been reinforced by a number of mistakes in the handling of publicity. In 1948, antibiotic drugs were introduced with enthusiasm into the doctor's therapeutic arsenal, the public's consciousness, and the patients' buttocks. These drugs now appear less miracu-

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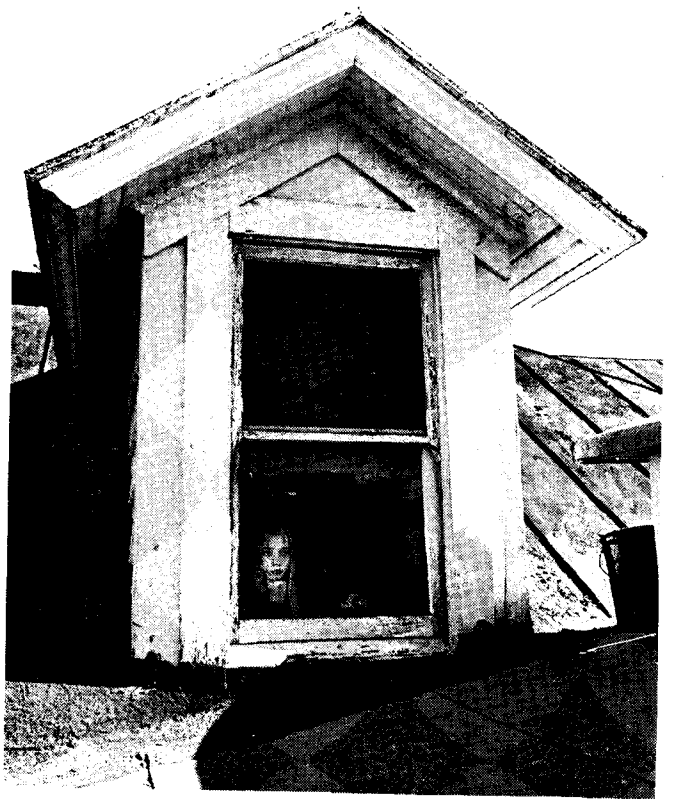
What is Psychology?

Psychology is being used more and more as a standard for the conduct of human behavior. People are fascinated with its findings, yet they remain relatively uninformed and unable to place it in proper perspective. Some exaggerate psychology's potential to control man's actions—and become frightened. Others treat psychology as a trivial pastime—and play games with it.



No other scientific subject affects everyone as frequently and as deeply as does psychology. However, newspaper and magazine articles on topics in psychology like racial prejudice, psychedelic drugs, mental illness, brainwashing, extra-sensory perception, and intelligence testing are often superficial or just plain wrong. The modern public has been educated to look for prime sources of information, but these have not been available in psychology—until now.

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lous than they once seemed, but the result of the fanfare is a public conditioned to demand a "shot" for any minor cold, and a large patient population hypersensitive to these drugs, and thus denied their benefits when they really need them. Similarly, the exuberant publicity about tranquilizers in the early 1950's appears to have created a permissive drug-taking society of adults which many observers believe has its counterpart in a permissive drug-taking society of adolescents.

Deliberate advertising campaigns sponsored by doctors have backfired. For 30 years, physicians have supported ads urging patients to report early with symptoms of cancer; the best studies now indicate the public is immune to this advice. And the advertising against Medicare not only failed to prevent passage of legislation but engendered vast quantities of ill-will toward doctors. All this has left physicians feeling misunderstood and unreasonably attacked on all sides, and they blame much of the attack on the press. The press tends to feel doctors are oversensitive, evasive, secretive.

Enter Dr. Christian Barnard.

In an age of television, communications satellites and instant replays, Christian Barnard is a natural. He is handsome, lean, boyish, forceful and articulate, conveying a charm and poise more associated with politicians and movie stars than cardiac surgeons. He is comfortable talking to reporters, appearing on panels, meeting the Pope, dancing with German starlets. He is also, at this writing, the first and most successful of the cardiac transplant surgeons.

The medical profession has reacted with a peculiar combination of professional indignation, personal jealousy, and detached moral concern. For example, Dr. Barnard trained for a time in America with Dr. Norman Shumway, who established many of the fundamental principles of cardiac transplant; in this country, many felt that Shumway should have been the first to perform a human transplant. On a less personal level, it is widely believed that nobody knows enough about the rejection mechanism to perform a heart transplant with the honest hope of benefiting the recipient. It's an attitude strengthened by studies showing that immune responses do not attack heart muscle, but rather coronary vasculature, producing a rapid sclerosis – narrowing of the vessels similar to that of atherosclerosis.

Finally, doctors argue that immense publicity isn't inevitable: many different organs have been transplanted in the past year, none with the fanfare and spectacle of Cape Town. That spectacle has prompted dozens of letters in the professional journals. An intern at Stanford, where Dr. Shumway performed his transplant, noted the elaborate precautions taken in dealing with the press, but stated that the press still tended to report "irrelevant material, to use sensational language or to invade the privacy of those not protected by the hospital."

The invasion of privacy is a frequent concern. A Rochester intern deplores "the utter disregard for personal feelings and the taking over of a private event by the public" in a "circus-like atmosphere." Dr. R. E. Condon of the University of Illinois Medical Center asks, "Is it necessary that we subvert the right of our patients to privacy to satisfy the public's right to know?" Condon and others forget that in at least one notable instance, the patient's privacy was bought by television for hard cash.

Dr. Condon thinks "absolutely contemporaneous reporting of dramatic events" unnecessary; these events should not be disclosed to the press until they have been "subjected to evaluation by the research team involved and their professional peers." This sense that a suture-by-suture account may be harmful is mixed up with the feeling that a private, professional matter has gotten out of private, professional hands. Another observer finds that the publicity "was so great as to generate irresistible pressure for additional attempts. I think that a frank and open discussion [of the ethics of transplants] should occur within the scientific community before such attempts are continued."

A notable dissenting view, appearing as an editorial in the *New England Journal of Medicine*, is that of Dr. Rene Menguy, chairman of the depart-

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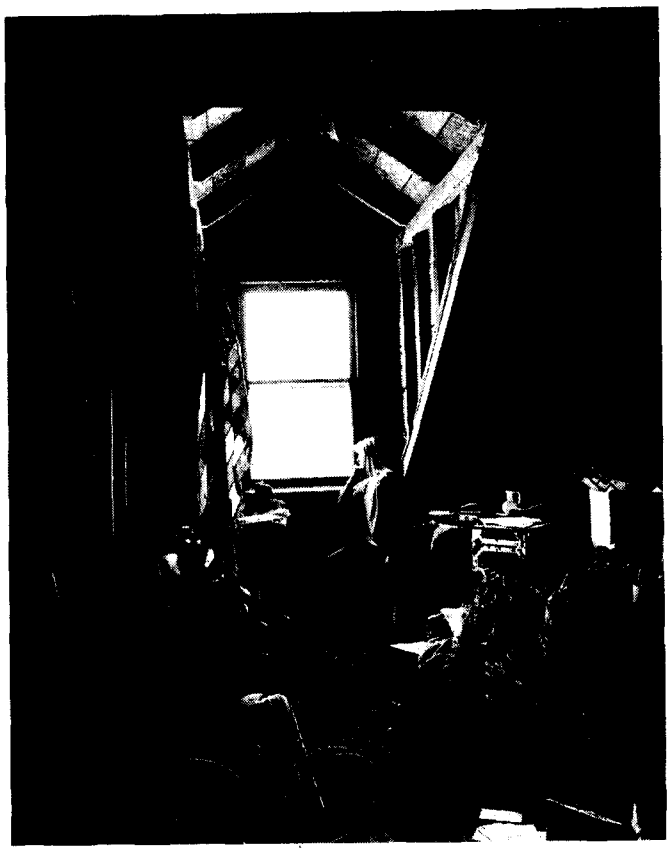

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ment of surgery at the University of Chicago. He argues that although "an attitude of secrecy toward the public was perhaps understandable when medicine had not yet grown into a science . . . the same attitude can no longer prevail today, when, for reasons that may not be obvious to all of us, the public has acquired the right to be informed of our activities. Whether we like it or not, the transplantation of a human heart, like a space launch at Cape Kennedy, now belongs to the public domain." The publicity, which "has, on the whole, been handled with propriety," can benefit medicine in many ways, particularly by demonstrating to the public how much more complex medicine has become, and why it is therefore more expensive than formerly.

Still, the press *can* be faulted on a number of counts, all of them neatly illustrated in this book by the English journalist, Peter Hawthorne. *The Transplanted Heart* was written in a month, journalistic slickness and headlong haste are evident on every page. It has a breathless, adulatory style, occasionally lapsing into irritating informality; "Chris" Barnard and "Washy" Washkansky. There are mindless, space-filling anecdotes, and an occasional ghastly moment – as when the young Chris Barnard is described as a youth cutting open beetles with a pocket knife.

The book has no new information worth knowing. Surprisingly, there is also no viewpoint, no insight into the significance of the operations. To be fair, there is a paragraph or two of commentary in a chapter titled "The Future." But one misses a cogent statement of where, in the progression of medical advances, Barnard and the others should be placed. There are serious reasons for believing that within 50 years cardiac transplants will be a medical curiosity, like leeching or bloodletting. There are reasons for believing that cardiac transplants represent less a triumph of surgery than a triumph of physiologic, metabolic support techniques – blood banks, antibiotics, fluid replacement and electrolyte monitoring.

Then too, in a book stuffed with facts and figures and emotional reporting, one misses the human significance of the events. The long, grinding, often petty course of research; the years of training and careful animal experimentation; the incredible complexity of the procedure itself in all its ramifications – none of this is there.

And yet the book was written and prepared in a climate of remarkable frankness and cordiality to the press. One suspects that finally, when Barnard's surgical approach is forgotten, his ultimate impact will lie right here – in his dealing with the press. He has invited them into medical matters to an extent never before permitted. The press, doctors are beginning to understand, is here to stay – and with it the public. Public involvement in medical research, practice, and decisions will be greater now than it was, which may turn out to be a very good thing. Medicine has begun to impinge on moral questions which transcend the technical problems of catgut and clamps and ligature points. And as medicine deals with more fundamental questions of life and death, it will need help, for it is a peculiarity of scientists in general that they are able to say what can be done, but are much less adept at determining what ought to be done.

When Kinghood Was In Flower

by Peter Gay

Perhaps more than any other king, Louis XIV has invited gossip and been deprived of scholarship. He has not been neglected by the historians, of course – he is too large to be neglected – but often he has been appropriated by the compilers of picture-books and the retailers of romance. The superb aristocrat who knew how to calculate to the fraction of an inch the kind of smile a courtier was worth, the lover with his magnificent mistresses, the cultural dictator who built Versailles and presided over a theatre that could boast a Racine and a Molière, the ambitious and heartless warrior who devastated whole provinces to gratify his appetite for power and glory, the Roman Emperor reincarnated in the modern setting he himself had designed, the Sun King adulated by flatterers and deified by an adoring populace – this Louis XIV is well known, in fact better known than he should be. Louis XIV, who reigned over France from 1643 to 1715 and actually ruled his country from 1661 until his death, was all these things: style-setter, lover, patron, warrior, myth, and, barely skirting blasphemy, near-god. But he was these things only in part for his own gratification, and largely for the sake of greater purposes.

Louis XIV
by John B. Wolf
(Norton; $12.50)

In this distinguished biography, an event in which the American historical profession may take pleasure, John B. Wolf has attempted to see all of Louis XIV, and to relate all aspects of his life to his central intentions. "My interpretation," he writes, "emerges from my conviction that his part in the development of the bureaucratic, military, police state and in the rise of the European balance of power as the governing mechanism for European society was the most important contribution of his reign. . . . I have not

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ignored the part of his life that scandalized his contemporaries as well as his historians, but I have emphasized the story of the king whose career as king was the most dramatic representation of that role ever played on the European stage." This is a welcome departure from so much else that goes under the name of popular history. What emerges from Wolf's big book is a credible human being who supplied fascinating copy for the diarists of his time and the second-rate chroniclers of a later day, but who was first and last a professional ruler – an executive, a general, and a statesman.

It is not surprising that it should be the period of Louis XIV that drew the attention of Ranke, the historian of power: the age was one of state-making, when feudal barons and their successors, with their vast estates, private armies, and fierce pride, were under tenacious attack by central authority, and when local parliaments and legislatures – long-entrenched instruments of particularism, and centers of privilege – were under the same attack from the same quarter. The king, even Louis XIV, remained an aristocrat, a leader in an exclusive club, deriving a good portion of his power from his private wealth and intimate connections with aristocratic houses. No absolute monarch, not even Louis XIV, was ever absolute. But Louis tried: when he invited – that is to say, compelled – the grandees of France to attend him at Versailles or elsewhere, he was shrewdly undermining their bases of power by turning them into decorative appendages to his court. But he was also, at the same time, presiding over a kind of prolonged family party: taste and policy went hand in hand.

Yet policy was primarily in Louis' mind. With the gradual emergence of modern institutions, collectively called the state, the chief aristocrat had greater powers to wield, and larger duties to perform, than ever before. He was the embodiment of what 16th-century lawyers, going back to Roman law, had called sovereignty: the power that governs others without being in turn governed by others, except perhaps by some obscure French "constitution," a shadowy, oddly flexible document that no one had seen and everyone could interpret at will, or by the law of God, more impressive, more terrifying than the constitution, but, by the 17th century, a rule far from binding on superb monarchs. In the reign of Louis XIV the unwritten French constitution became more ghostlike than ever: the king broke through all traditional restraints. God was no obstacle: He was, evidently, French and a monarchist.

What was at stake in the assertion of sovereignty was the control of space, of arms, and of resources; the modern state slowly being born during, and partly through, the reign of Louis XIV, could claim the loyalty of outlying regions of France, assert a monopoly of armed force, and seek the centralization of policy-making authority in the hands of the king and his chosen ministers. As I have said, in practice absolutism was never absolute: if God did not check Louis XIV directly, He did so deviously, through the slowness and uncertainty of communications, the persistence of tradition in the face of ruthless attack, and the unpredictable ravages of disease which spared no one, not even the king's family. Yet these obstructions apart, Louis XIV controlled his territory with greater ease and effectiveness than anyone before or after him until Napoleon. In an age of rationalism, Louis XIV was the great rationalizer, and what guided his reason was reason of state.

But as he was to discover in the second half of his reign, *raison d'état* was not necessarily reasonable. Whatever his fantasies of hegemony, there were other states with intentions of their own; whatever Louis' control of his domestic resources, someone had to pay for his wars. Glory was bought with sufferings, victory with famine, and it was not the king who went hungry. Wolf does not ignore these dark sides of the glorious regime; he quotes the underground criticism – in Louis' absolute state, practically all criticism was underground – and the hostility the outside world felt toward him; by the 1680's, "the French image was grotesque, distasteful, and fearsome." Louis XIV, indeed, was among the first modern rulers to produce and refuse to confront, the dilemma of power: that the exercise of power is essential in a

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system of power, but that it must be bought at a high price, paid for by the defenseless classes in the population, and with truth and honor.

The reign and the problems of Louis XIV's kingship were, then, thoroughly modern, so modern that some historians, like the English liberal David Ogg, have not hesitated to compare his age to that of Hitler, both eras of "excess." Wolf is willing to employ modern terminology – he calls some of Louis' wars the first world wars – but as a good historian he refuses to draw unhistorical parallels. He is right in his refusal; Louis XIV was an extreme instance of a general type. He did what others wanted to do, and many rulers who claimed to despise him imitated him as much as they could.

Louis XIV, then, is thoroughly professional. In its more than 600 pages of text it takes the king through his reign in neat chronological order. It does not eschew narrative history. It is loaded, though not choked, with facts. But it is at the same time a model of unintrusive analysis, based firmly on documents, informed by years of study and reflection. And it is well written. What more could anyone want?

The Spy Who Flew Into His Cage

by David Wise

"I wonder if you could add one small item to your shopping list?" Kim Philby wrote from Moscow to his wife Eleanor who was visiting in California. "I was thinking of some song-restorer for the canary. There was one feeble effort to sing the other night, but since then silence again. On all other counts, he seems perfectly fit, good appetite, bright eyes, and he gives his usual warning cheeps .when I go near his cage. Perhaps he has just forgotten how. . . ."

The Philby Conspiracy
by Bruce Page, David Leitch and Phillip Knightley
(Doubleday; $5.95)
My Silent War
by Kim Philby
(Grove Press; $5.95)
Kim Philby The Spy I Married
by Eleanor Philby
(Ballantine; 75c)
The Third Man
by E. H. Cookridge
(Putnam; $5.95)
(Berkeley; 95c)

Or perhaps being in a cage does not fill one's heart with gladness. Philby may know; he slipped through the exceedingly large holes of the net that M.I.6, the British secret service, politely and languidly threw around him in Beirut in January of 1963 (is it possible that London wanted him to escape?) and flew safely into Moscow, where he has remained ever since, under the care of the K.G.B. He has become a dissipated, aging real version of John le Carré's Alec Leamas. Four books about him are now in print, including one under his byline. His story has become an industry.

Harold A. R. Philby was born to a family with roots running deep in England's imperial past. His father, Harry St. John Bridger Philby, was a member of the British raj in India, where Kim, nicknamed for Kipling's hero, was born on New Year's Day 1912. As his son was to do in another context, St. John Philby defected from both England and Establishment to Islam and Arabia, becoming a courtier of Ibn Saud, taking a Moslem name and a slave-girl wife (in addition to his English spouse) and all but abandoning Pall Mall for the Wahabis.

Kim first met Guy Burgess and Donald Maclean at Cambridge during the early 1930's. Maclean, six foot six and outwardly a perfect Whitehall civil servant, quickly became the rising star of the Foreign Office. Burgess, brilliant, obnoxious and wildly homosexual, drifted in and out of both M.I.6 and the F.O. Philby, after covering the Franco side of the Spanish Civil War for the *Times* of London, was recruited into M.I.6 in 1940. He was posted to Washington in 1949 as M.I.6's liaison man with the CIA and

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the FBI. All the while, Philby – who now claims he was a communist from Cambridge on – secretly served Soviet intelligence.

When Donald Maclean was about to be unmasked in 1951 as a spy who had passed atomic information to the Russians, Philby sent Burgess from Washington to London to warn Maclean of the danger. Together, Burgess and Maclean escaped from England on the night channel steamer for France and vanished, surfacing in Moscow five years later. Philby was summoned home, but Harold Macmillan personally and publicly cleared him of charges, raised in the House of Commons, that Philby was the "third man" who had warned the missing diplomats. Then in 1956, M.I.6 approached the London *Observer* and got Philby – who was ostensibly no longer a British agent – a job as Middle East correspondent. Seven years later, Philby fled Beirut for Moscow; the British government conceded that he was, after all, what he now says he was, and that he had warned Burgess and Maclean.

All of this was known and had been published when the *Sunday Times* of London set its talented Insight team to work on the story last year. Group journalism turned up a wealth of new detail, and one very important new fact: that Philby had headed M.I.6's counterespionage operations against the Soviet Union. Thus, from within the citadel of British intelligence, Philby was not only revealing its secrets to Moscow, he could also give the Soviets a choice of what M.I.6 operations might harmlessly be mounted against them. The furor touched off by the *Sunday Times* series was rather a pseudo-event. Lord Thomson's paper had focused international attention on a case, the main points of which were already well known, and in which the most recent major development – Philby's defection – had taken place five years earlier. Newspaper accounts and books that followed do not fill in the crucial gaps. What made him do what he did is as much a mystery as ever.

In *The Philby Conspiracy*, however, Bruce Page, David Leitch and Phillip Knightley of the *Sunday Times* team have produced a superbly readable account. The book is far better than the newspaper series, which had been written under pressure of the Fleet Street circulation war. The authors underline the central fact that Philby was able to rise high within the M.I.6 citadel, and nearly destroy it, because he was born to the Establishment, which could not accept the idea that one of its members would sell his old school tie. In a perceptive introduction, John le Carré draws an apt parallel with that other British scandal, the Profumo case: " 'This Club does not elect liars, therefore Profumo is not a liar; this Club does not elect traitors, therefore Kim is not a traitor.' This Establishment is a self-proving proposition."

The weak spots in *The Philby Conspiracy* arise from an unfortunate attempt to paper over the missing pieces and ambiguities. For example, the moment Burgess set foot on the night boat to St. Malo in 1951, Philby was in deep trouble; he had, after all, been Burgess' landlord in Washington. Why then was he publicly cleared by Macmillan in 1955? Why did M.I.6 place Philby with the *Observer* a year later? Above all, what was Philby's status in Beirut? Was he an M.I.6 agent in any real sense, or, as is much more likely, was he live bait in the trap that M.I.6 hoped to set for the Russians? And if so, did he *know* he was the mouse in the trap?

The answers are not to be found in Philby's own disappointing book, which must be viewed as part of the continuing battle of the spy memoirs of the K.G.B., the CIA and M.I.6. The introduction, especially, is heavy-handed. In discussing his defection in 1963, for example, Philby says: "Only then was I able to emerge in my true colours, the colours of a Soviet intelligence officer." This and numerous other sentences must have been written by someone on the K.G.B. United Kingdom desk, not by a graduate of Westminster and Trinity. Philby denies he was a "double agent," declaring: "I have been a straight penetration agent working in the Soviet interest."

The body of the book, however, probably was written by Philby, and much of it, particularly his description of his early career, reads plausibly enough. Yet each sentence must be examined through the prism of "the Soviet interest." As might be expected, Philby sheds no light on his work in Beirut during those intriguing last seven years.

E. H. Cookridge, author of an interesting book on George Blake, another M.I.6 man who went from Beirut to Moscow (with a brief stopover at Wormwood Scrubs) covers much the same ground as *The Philby Conspiracy*, adding little that is relevant and much that is highly speculative.

The Spy I Married, by Philby's American wife Eleanor, a native of Seattle, is somewhat revealing of his character and possible motivation. Although heavily ghosted and written in an appalling woman's magazine style ("My agony had begun eight months earlier in Beirut when a perfect marriage was brutally shattered"), there are some nuggets. This man who sent Albanian exiles to certain death with no qualms – and how many British agents? – could plunge in his hand to save a mouse from danger of drowning in a Moscow toilet. ("He could not bear to see anything killed. . . . He was also very good with children. He loved going upstairs at other people's parties and saying goodnight to their children.")

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Philby travelled far on his Establishment credentials, charm and intelligence. He had a gently forlorn side to his nature that women, in particular, found attractive. But he betrayed his class, the British secret service, his country, his friends, his fellow British agents, his wife Eleanor (whom he had taken from an American newspaperman). Finally, he even betrayed Donald Maclean by stealing his wife, Melinda, in Moscow.

A poor track record. In the half-lit world of espionage, small wonder that loyalties are dimmed. Where deceit is a way of life, is it surprising that some men deceive their masters and possibly themselves? Espionage distorts the values of all who play the game; after awhile one's image looks grotesquely like that of his adversaries'.

The deep pouches under the eyes, the compulsion to drink to insensibility, the ludricrous plea that his old colleagues in Queen Anne's Gate not think of him as a totally bad fellow, all tell something of Philby's inner conflicts. There he is, sitting in Moscow, the last stop on the line, pleading by letter to Eleanor for more Scotch, ball point pens, drip-dry shirts, news from England and a bit of song-restorer for the helpless bird in the cage.

A COMMUNICATION

Perils of The Pill

I didn't blink when James Lyons accused me of "not conforming to even minimal standards of honesty" (Communication, May 4, 1968). I didn't flinch when he said that in my article ("The Golden Pill," March 2, 1968) I had "constructed a flagrantly false cavil." I didn't whimper when he faulted me for "sloppiness." I rolled with the punch when he rated my work "incompetent." I took it like a man when he imputed a "special interest" to me in presenting arguments that were "not merely warped," but "at times directly fallacious." I turned the other cheek when Lyons exposed my suppression, despite the authoritativeness of its source, of a statement that "there is no evidence whatsoever to support these fears" (the source was a pamphlet issued by a manufacturer of oral contraceptives). I did, I admit, cry on the inside, although I was not so brazen as to laugh on the outside, when Lyons bared his private grief: ". . . my own relationship with a girl, a very serious relationship but not yet a marital one, was upset physically, but most of all emotionally, by Mintz's article." But having offered all of these testimonials to my stoicism, I now must confess that there was in Mr. Lyons' letter one revelation that devastated my relationship with my family, my friends, my colleagues, my readers and even with myself – most of all, emotionally. The wounding disclosure was that I am not a sociologist.

Although your correspondent in Cambridge, Mass., thus rendered me a naked gladiator, I am not helpless. I have the facts; Mr. Lyons has only rage. The most important of these facts have to do with the agonized, protracted effort made by Mr. Lyons to cast doubt on the importance of the finding that The Pill sometimes causes blood clots.

In "The Golden Pill," I said that within a few weeks the *British Medical Journal* would publish final figures on the controlled trials dealing with an association between oral contraceptives and blood clots (These trials, the first of their kind to be completed, were done in Britain, *not* in the United States; our own will be completed in 1969. But even the British trials were undertaken *after*, not before millions of women began using The Pill). The final data were published in the *BMJ* for April 27. At once, Dr. Herbert L. Ley Jr., director of the Bureau of Medicine of the United States Food and Drug Administration, sent telegrams requesting the attendance of the eight manufacturers in this country at a meeting to discuss "prompt revision" of the labeling, which is uniform for all makes. Currently, these instructions advise physicians that a cause-effect relation between The Pill and blood clots has been neither "established nor disproved." Until last June, the advice was unbalanced, saying only that a link "has not been established." Until November, 1966, however, even the possibility of such a connection was not acknowledged in the labeling.

The meeting called by Dr. Ley was held on May 8. The result will be a drastically stronger warning that must be included in every package of pills produced after June 30. Although the new labeling may lack the approval of physicians such as John Rock, who calls The Pill "perfectly safe" for healthy women; of reporters such as Jane E. Brody, who has described The Pill as the "perfect" contraceptive[1], and of true believers, such as Mr. Lyons, it was consented to by all eight of the manufacturers. Under the heading of "WARNINGS" there is this new language: "Studies conducted in Great Britain . . . estimate there is a seven to tenfold increase in mortality and morbidity due to thrombo-embolic diseases in women taking oral contraceptives. In these controlled retrospective studies, involving 36 reported

[1] In the first sentence of a story on January 7, 1968, in "The Week In Review" section of *The New York Times*. In the second sentence Miss Brody indicated that by "perfect" she meant "foolproof," which the combination pills pretty much are. But the so-called sequentials are little, if any, more reliable than a properly used diaphragm and vaginal foam. A month before Miss Brody's story, Mrs. Jane Losh of Withamsville, Ohio, filed a damage suit making the charge that while on a sequential contraceptive she became pregnant with her seventh child. On May 12, 1968, the Sunday after the FDA announced its strong new warning, "The Week in Review" had not a word about the finding that the safety of The Pill was something less than perfect.

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You may wonder, if these are considered the thoughts and acts of conspirators, how would a free man think and act?

You may wonder how free men can defend themselves, if in trying citizens for conspiracy, the government claims it need not prove that the defendants actually committed any overt illegal acts; or if, in trying them for conspiracy to counsel, it claims that it need not name those counseled by the defendants, nor prove that they influenced the activity of any other persons. Constitutional rights of free expression and due process of law can thus be abused.

The conspiracy trial in Boston has received much public attention. However little notice seems to be given to the hundreds of other cases which are now before the courts. These are the cases of conscientious young men, often standing alone in hostile or unsympathetic communities, facing the threat of up to five years in jail. Support MUST be obtained for these men, so that they may have the adequate legal defense which they, too, justly deserve, and which is their right.

To provide this defense, even if lawyers volunteer their time, an ample reservoir of funds must be created: funds for extensive legal research, transcripts of court proceedings, appeal fees and secretarial costs, all of which are essential elements of adequate legal defense. This is especially so in the complicated area of selective service law in which few lawyers have had extensive experience.

To meet this need the CIVIL LIBERTIES LEGAL DEFENSE FUND has been established. The Fund, an independent, non-profit, non-political organization is now engaged in a nationwide campaign to raise money for the legal defense of conscientious resisters and their supporters in the Coffin-Spock case and all other cases; to serve the legal profession by aiding in the formation of panels of attorneys experienced in selective service law; and to facilitate the initiation of affirmative legal actions in the area of civil liberties.

The Fund has already contributed not only to the defense of Coffin, Ferber, Goodman, Raskin and Spock, but to many others as well. Regardless of the outcome of the presidential campaign or the attempts to begin peace talks, these cases will continue to be prosecuted. For some young men the work of the Fund can mean the difference between liberty and five years in prison.

YOU CAN HELP MAKE THAT DIFFERENCE. PLEASE GIVE WHAT YOU CAN AS SOON AS POSSIBLE.

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deaths and 58 hospitalizations due to 'idiopathic' [apparently occurring spontaneously] thrombo-embolism, statistical evaluation indicated that the differences observed between users and non-users were highly significant." The conclusions reached in the studies then are summarized in a table which underscores that the highest risk was for women in the 35 to 44 age group. Among 100,000 such women, in one year, the death rate cited by FDA was 3.9 among users of The Pill, or eight times the 0.5 in non-users. For the age group 20 to 34 the rate for users was given as 1.5 in users, 0.2 in non-users. The rate of occurrence of thrombo-embolic episodes which were not fatal but serious enough to require hospital treatment was given for a single age range, 20 to 44. The rate in one year for users was 47 per 100,000, almost 10 times the incidence of 5 in non-users. Under the heading "ADVERSE REACTIONS," the new labeling says, "A statistically significant association has been demonstrated" between The Pill and lung clots and their frequent precursor, deep-vein clotting. For strokes and clotting diseases in the eyes, the available evidence is declared "suggestive of an association," but one that is "neither confirmed nor refuted." The facts rebutting Mr. Lyons, however, were abundantly available *before* he wrote his letter, but he avoided them determinedly. He also rejected one of my fundamental contentions – that some women *will* reliably use forms of contraception other than The Pill – and then went on to erect a large, flawed and irrelevant statistical superstructure to show that The Pill "is indeed a life-saver, not destroyer, on balance." This sort of "balance" was never the issue. The issue was that women are not a monolith, and that to discuss The Pill as if they were is to invite needless death and injury in those who reliably will use non-drug contraception. There *are* many such women. To deny this is to be preposterous, which is not beyond the capabilities of James Lyons. I admit to surprise that a sociologist worldly enough to publicize his pre-marital affair can be unworldly enough to question the existence of women who prefer, or who in fact insist, on the inconvenience and messiness of a diaphragm or vaginal foam to the uncertain effects on them and possibly on future offspring of a daily intake of inadequately tested potent drugs.[2]

In a whimsical passage, Mr. Lyons suggested that the incidence of clotting might be lower in prospective than in retrospective trials. In the *BMJ* last month, the death rates given for the retrospective trials (not identical with those settled on by the FDA) were: 1.3 for women aged 20 to 34 (but 2.2 if allowance is made for heart attacks, for which the data did not "quite" attain statistical significance), and 3.4 for women aged 35 to 44 (4.5 if heart attacks are added). But a check of pill production figures indicated an overestimate had been made of use in the general population. For this reason, the *BMJ* report said, the rates cited above "very likely" are *40 percent understatements* of the true incidences. Such underestimates would have been most improbable in adequate, well-controlled prospective trials.

Lyons says: "Mintz then goes on to imply that pill-takers may be in for depression, diabetes, jaundice, facial skin pigmentation (freckles?), sterility, and even cancer." These possibilities are mocked by Lyons; they are taken seriously and even gravely in medical literature.

Psychic depression: The long-standing official labeling says, "Patients with a history of psychic depression should be carefully observed and the drug discontinued if the depression recurs to a serious degree." The potential of The Pill to make some women depressed – and others almost euphoric – has been recognized for years. In December 1965, *e.g.*, Dr. John R. McCain, an Emory University obstetrician, at a medical meeting told of three patents – unique in his practice – who said "that they were desperately afraid that they were going to kill themselves." Two had been on The Pill less than two weeks, the third about four months. "The suicidal fears have disappeared in three patients since omitting the contraceptive pills," Dr. McCain said.

Diabetes – "A decrease in glucose tolerance has been observed in a significant percentage of patients on oral contraceptives," the official labeling says.

Jaundice – Among many reports on a possible connection of this disease with The Pill was an article in *Lancet* for December 10, 1966, which told of 50 patients in two years admitted to four hospitals in Chile with jaundice apparently related to the drugs.

Pigmentation – The *Journal* of the American Medical Association for Feb. 27, 1967, carried a report on melasma (loosely, the black skin pigmentation that is a mark of pregnancy) developing in 61 (29 per cent) of 212 clinic patients "as a direct result" of use of The Pill.

Infertility – The possibility that in some women The Pill can cause infertility of indefinite duration has been publicly recognized at least since the spring of 1965. Last March 30 in *Lancet*, Dr. P. C. Steptoe told of biopsies which disclosed changes in the ovaries of women who had been using The Pill for three or more years. Some of these patients became infertile for at least a year afterward. Because of "a definite danger of producing irreversible infertility," Dr. Steptoe said, it is "dangerous" to give The Pill "for more than a very short period of time" to women – especially teen-agers – whose fertility has not been proved.

Doubtless Mr. Lyons thought he

[2] For such women, the risk of pregnancy – and of the risks associated with pregnancy – are about 1/49th of what they are for women for whom it's The Pill or nothing. That is why it is a scientific absurdity to discuss maternal mortality, say, without distinguishing amongst such groups. But that is what is constantly done – by experts and by lay news media.

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was being clever when he said, "There are reports of women who have become sterile after eating Rice Krispies."

Cancer: In newspapers and magazines – general as well as women's – the public has been exposed to a veritable barrage of claims by purported experts that The Pill inhibits or prevents one or more forms of cancer in humans. On the other hand, the estrogen component of The Pill has caused cancer in every experimental animal on which it has been tried. Whether The Pill can cause cancer in humans remains an unanswered question (and one that certainly was not answered *before* massive use of The Pill was begun). It was because the question is unresolved that the FDA's Advisory Committee on Obstetrics and Gynecology, in its report of August 1966, said, for example, "The relationship of the oral contraceptives to breast cancer in the human being is unknown. . . . There are data that give contributory, although not very strong evidence to both sides of the question." In "The Golden Pill," I cited the Advisory Committee finding that "any valid conclusion must await accurate data on a much larger group of women studied for at least 10 years." This is a recognition of ignorance about whether The Pill has, or does not have, a carcinogenic potential; I believe women ought to know about it. Mr. Lyons said that "by raising the issue, Mintz has accomplished his purpose, which is to raise the Great Fear." Like some of his other accusations, this one is truly vicious. But the burden of it will be carried not by the accused, but by the accuser.

Morton Mintz

Correspondence

Is Kennedy That Good?

Arthur M. Schlesinger's report on why he is for RFK in your May 4 issue does not explain his shift since he reinvaded the ADA not long ago to propel it (with the aid of his vote) toward endorsing McCarthy for President. Of course, McCarthy will understand that AMS is a "pragmatist," as he was in 1960 when he shifted to Kennedy from the Stevenson who had not yet withdrawn from the race and who had placed such confidence in him and done so much to give him a voice on the political stage. RFK will also understand, for he plays by the same rules. And readers of AMS's recent books, articles, and comments about current Cabinet officers will also understand, for he has made it clear, that his rules of political conduct are quite different from those we regard as objective and constructive in most other affairs.

Almost a quarter of the AMS piece, or six paragraphs out of twenty-six, resurrects JFK, Stevenson, Kefauver, FDR, George Norris, Woodrow Wilson, Andrew Jackson, and Abraham Lincoln. This has nothing to do with why RFK should be President, except to intimate that he probably has all the best qualities of these men and none of their faults. Proof: he is said to be as personally honest as Woodrow Wilson [or William McKinley], and as acquainted with personal tragedy as Abraham Lincoln [or James A. Garfield].

Then, six additional paragraphs tell us that RFK should be President because he was associated for twelve years with AMS, whose appraisal we should consequently accept. The candidate is "eager to learn"; "passionate"; charged with "energy and vision"; freighted with "capacity for decision"; able to "get things done"; not "opportunistic" nor "politically motivated"; and not to be blamed for joining up at the age of twenty-seven with Senator Joe McCarthy (and never repudiating him thereafter), even though Joe at that time had already been for several years a stench in the nostrils of most decent Americans. This kind of take-it-from-me evaluation, skillfully packaged to sell the article, *could* supplement more concrete demonstrations of worth. But in all of what AMS and allied intellectuals have said about RFK, and in much of what they said about his extraordinary brother, I detect a degree of packaging which conceals the content.

The attempt to reveal the content, in less than a quarter of the article, is quite a flight of hyperbole for a two-times winner of the Pulitzer Prize in History. We are asked to accept that "no political leader of our times has so deeply and rigorously concerned himself with the fate of the vulnerable and powerless." As one who has been rather more intimately engaged than AMS in the battles on behalf of the vulnerable and powerless, it is remarkable how infrequently I have stumbled upon the corpus of RFK or inhaled the scent of his inspiration in this connection. I could readily name a number of men, now in the Senate, who have done and tried to do much more about those who need help most. The most noted of RFK's efforts along these lines are his housing proposals. These beat an ignominious retreat from the measures really needed to rehouse those living in the ghettos; they walk on both sides of the street by making the impossible promise to rehousing low-income people at a handsome private profit. As RFK's campaign penetrated the Midwest, his speeches came to sound more and more like the elliptical conservatism of Mr. Nixon. And by what stretch of imagination can the demonstrated concern of RFK about the vulnerables and powerless, translated into effective action, stand comparison with the superb record of Hubert Humphrey before he became Vice-President, or the record of the current Administration since then?

Five undernourished paragraphs of the article then deal with international affairs. These assure us that RFK has walked and talked with students everywhere (which we know), and that he more than anyone else influenced JFK in the Cuban confrontation. I am profoundly distrustful of protagonist attempts to appraise the relative weight of various advisers to Presidents. The President himself makes the decision. Besides, President Eisenhower might have made the same decision, which did not prove much about his overall ability to be President.

Hubert Humphrey's creative intelligence and practicality in devising and carrying out programs which, if fully implemented, would offer large prospects of a generous and peaceful world, tower over what RFK has even tried to do. The attempt to smear Humphrey by saying that he would like to see a Great Society for Asia vies with Claire Booth Luce's remarks about "globoloney" *circa* the Marshall Plan.

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Nor is the moral quality of the article helped by the reference to Lyndon Johnson as "one of the two most disliked and mistrusted American politicians of the twentieth century." The last time Johnson faced the electorate, he won the most overwhelming approval on record, and the popular ratings of Presidents are irrationally volatile during war eras. How popular was Wilson in late 1919 or Truman in late 1952 or, going back further, Lincoln in early 1863?

Let us hope that spokesmen for other candidates in *The New Republic* will elevate the discourse.

Leon H. Keyserling
Washington, D.C.

In reply . . .

Mr. Keyserling is a fine one to complain about "take-it-from-me" evaluation in a letter which asks us to take it from him that the Vice President is "superb," "creative," etc. and that Senator Kennedy has done little or nothing for the poor and the minorities. On this second point, can we not take it from the poor and the minorities themselves – the blacks, the migrant workers, the Puerto Ricans, the Mexican-Americans, the Indians?

As for the Vice President, I agree with Mr. Keyserling that he has served the country well in domestic affairs, but I doubt that his world policies – such as, for example, zealous support of military escalation in Vietnam – "tower" over those of Senator Kennedy. I was evidently wrong in saying that the Vice President had proposed a Great Society for Asia; what he actually proposed (in his "Open Letter to Angry Liberals" in *Pageant*, October, 1966) was a New Deal for Asia; but I do not think that Mr. Keyserling can quite extract a "smear" from the difference – unless he is more anti-Johnson than I have supposed. And incidentally, Mr. Keyserling is mistaken when he writes that Mrs. Luce called the Marshall Plan "globaloney." She used this word during the Second World War in comment on the postwar forecasts of Vice President Wallace.

I am sorry that Mr. Keyserling chose to devote so much of his letter to a personal attack on me. If it matters, I favored the ADA endorsement of Senator McCarthy at a time when Senator McCarthy was the only declared candidate in opposition to the Johnson-Humphrey policies of military escalation in Vietnam. It was no secret to Mr. Keyserling or anyone else that I regarded Senator Kennedy as a better alternative and hoped very much he would become a candidate. As for 1960, Mr. Keyserling is once again mistaken when he speaks of shifts to John Kennedy before Governor Stevenson had "withdrawn from the race." Governor Stevenson could not have withdrawn from a race he had never entered; at no point in 1960 did he declare himself a candidate, even when his supporters demonstrated for him at the convention.

I share Mr. Keyserling's desire for an elevation of the discourse. But I fear that, in the spirit of General Jackson's order to his riflemen at New Orleans, his contribution has only elevated the discourse downward.

Arthur Schlesinger, Jr.
New York, N. Y.

Mr. Alsop Speaks

Sirs:

Comment is required by the remarkable report last week on my activities by your Saigon correspondent, Zalin B. Grant. To my knowledge, I have never laid eyes on Mr. Grant, so his information is not first hand; and I must say, he appears to consult very curious sources. Let me begin with what was personal in his report.

Mr. Grant describes me as being treated in Vietnam like "a five star General," as "commandeering Ambassador Bunker's guest room," and as "seeing a bit of action . . . occasionally" in Generals' helicopters. To deal first with the most obvious piece of nonsense, I normally stay in Vietnam at the Majestic Hotel, in order to avoid people like Mr. Grant, who tend to hive together at the Caravelle. Ellsworth Bunker happens, however, to be a friend of nearly 20 years. Prior to my last trip, he kindly pressed me to stay with him. Indeed, he has just written in warm terms to renew his invitation, for my next trip. When a reporter describes acceptance of a spontaneous invitation from a friend of 20 years as "commandeering" a guest room, something has gone very wrong indeed with the qualities and standards of that reporter's work.

As to "seeing a bit of action," I try to see as much action as I can whenever I go to Vietnam, whether on helicopters or on the ground, because this is essential to any judgment of the war's progress. I would bet that even with the limitations I must now observe, I saw quite as much action as Mr. Grant did, during the month I was in Vietnam on my last visit. Until five years ago, I always used to go along with the infantry when opportunity offered; but when I made a heliborne assault at the age of fifty-two, I found that I could no longer be sure of keeping up. It is unfair to younger men, to risk forcing them to choose between abandoning or toting a late-middle-aged sightseer. So I no longer go up the line beyond battalion CPs, where that risk begins.

As to being treated like a "five star General," I have in fact been treated in Vietnam exactly as other reporters of comparable seniority have been treated, when and if they have chosen to go there. To make sure I made no undue requests, I long ago took the trouble to inform myself about what had been done for Scotty Reston, another columnist and my almost exact contemporary. Nothing has ever been done for me that was not done for him. Maybe it upsets people like Mr. Grant a bit more, because I go to Vietnam more often; but I cannot help that.

As to the alleged breach of security that was the fragile peg for Mr. Grant's personal attack, the column in question was written in Vietnam, but was sent from Hong Kong. Any columnist who writes thrice weekly must sometimes get ahead of his dateline in this manner, unless he chooses to write from the airport, with faked knowledgeability, about the wholly unknown situation in his new port of call. Before the column was written in Vietnam, I had been told that units of the Air Cavalry Division had already entered the Ashau Valley; and my informant, being outside the usual "briefing" circle, did not warn me there was any hold-order concerning this information. Had I been in Vietnam when the column was sent, I should have checked this point.

As it was, in view of the consider-

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able interval between my receipt of the information and the publication date of the column, I simply assumed that there could be no hold-order of such long duration. There never had been, to my knowledge. No harm whatever was done by my unintentional failure to obey the hold-order, which I none the less regret. But I would suggest that if Mr. Grant were a better reporter, he might have tried to discover the reason for this unprecedented hold-order concerning the Ashau operations, instead of venting false indignation about a breach of it that did no harm. The real reason, it is 99 percent certain, was the Johnson White House's characteristic desire to muffle and obfuscate a really important fact – in this case, the fact that we too were pursuing the policy of "fighting while negotiating," so long proclaimed by the enemy, in the tricky period when preliminary exchanges were going on about a permanent site for talks. This adoption of an offensive posture in Vietnam, so different from the defensive posture adopted in Korea after talks began, is an American decision of cardinal significance.

Finally, Mr. Grant's unnamed informant, from whom he quotes a supposed remark by President Kennedy, is a liar – if he exists at all.

Joseph Alsop
Washington, D.C.

RFK and the Bay of Pigs

Sirs:

I note in recent issues of *NR* a dispute as to whether Senator Robert F. Kennedy had anything to do with the Bay of Pigs invasion. In October of 1961, Attorney General Robert F. Kennedy told me in an interview that his brother, the President, asked him to review the record of data and arguments for and against the adventure a few days before it was undertaken. Attorney General Kennedy said that his brother was in doubt as to whether to go ahead with it, and turned to him for a last judgment before deciding. Robert Kennedy said that after reviewing the record he advised the President that, on the basis of the submitted data, he should allow the operation to proceed.

John Osborne
Washington, D. C.

Kauffmann, *from page 22*

Loren, Tony Curtis, Lucille Ball are a few – but it is the consciousness of the two original elements in them that makes the compound effective.

Now we have a new star of the second, everyday type, so phenomenally commonplace that he almost makes the commonplace magical – Walter Matthau. (Not a new actor, a relatively new *star*.) Every office-working male in the US either looks and sounds like Matthau or has felt, at some time or other, that he did. Matthau personifies all our grouches and resignations and beer-can pleasures that compensate for the fate of being alive in the 20th century, and all with a sour humor that both fulfills our fantasies ("Wish I'd said that") and massages our repressions.

Also, he has sex appeal. I saw his latest film *The Odd Couple* amidst a morning audience of middle-aged ladies, and older. The atmosphere roundabout me suggested that he reminded them of all those thousands of nights in marriage-beds on the upper West Side or in Great Neck or Shaker Heights, not as it would have been with Richard Burton but full of friendliness, of a familiar passion somehow enhanced by mutual remembrance of squabbles in the car on hot Sundays and trouble with the kids and meeting all those endless bills.

In this new film Matthau co-stars with Jack Lemmon, who is one of the hybrid star-types – Joe Average but a bit too good-looking and adroit to be only J. A. and latterly too obtrusive a *performer* to let his J. A. personality work.

The Odd Couple was adapted for the screen by Neil Simon from his Broadway success, and once again a play suffers from screen dispersal. Everything that is forced to take place outside the one original setting – a living-room – suffers for it.

The basic gimmick concerns a divorcé (Matthau) who has allowed his large apartment to become slovenly, and a poker crony (Lemmon), freshly separated from his wife, whom Matthau invites to move in. Lemmon is a compulsive cleaner and housekeeper and soon begins, with his neatness, to drive Matthau batty.

For me, the best feature of this comedy is that it ignores completely the theme of latent homosexuality. It would have been irritating if the theme had been treated superficially; besides the purposes of the play are quite adequately served by its surface motions without any shallow delving. The next best feature is that it has a lot of very funny lines – gags, really, produced by Broadway machinery *in excelsis*, still undeniably funny.

But, as Simon showed in *Barefoot in the Park*, he simply can't go the distance. He can't build a full-length play. *The Odd Couple* begins with humor based on an authentic situation and degenerates into mechanical horseplay that is interchangeable with lots of other Broadway comedies. Simon, who was originally a TV sketch writer, is still a sketch writer: he has an eye for an amusing situation and a gift of the gag, but his whole instinct is to finish fast. When the curtain rises *again* – on Act Two – we can almost hear him saying, "You mean there's more? What do I do now?" (His new hit *Plaza Suite*, which I haven't seen, consists of three short plays.) These shortwinded shortcomings are, to state it mildly, no less obvious in the film versions of his plays.

Gene Saks, who also directed the film of *Barefoot in the Park*, has directed *The Odd Couple* less laboriously but without distinction. The Technicolor is, in two senses, ghastly.

NOTES ON CONTRIBUTORS

Michael Harrington *is the author of* The Other America *published by Macmillan.* Jesse Lemisch *is Assistant Professor of American History at the University of Chicago.* J. Michael Crichton *is a student at Harvard Medical School and the pseudonymous author of four novels.* Peter Gay, *who teaches history at Columbia University, won the National Book Award for* The Enlightenment. David Wise *reports from Washington. With Thomas B. Ross, he is co-author of* The Espionage Establishment, *a book about British and other intelligence organizations.*

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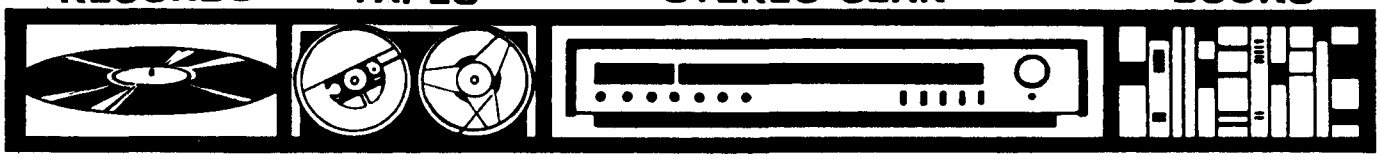

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